

By Mr. GARD: A bill (H. R. 17702) granting an increase of pension to Frank Selmar; to the Committee on Pensions.

Also, a bill (H. R. 17703) granting a pension to Milton L. Stover; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 17704) granting an increase of pension to Samuel H. Smith; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 17705) granting an increase of pension to Sarah A. Keffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17706) granting an increase of pension to John T. Whetzal; to the Committee on Invalid Pensions.

By Mr. RUSSELL of Ohio: A bill (H. R. 17707) granting an increase of pension to U. J. Favorite; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17708) granting a pension to Christein Stewart; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17709) granting a pension to Sabina Fallon; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUMBAUGH: Petition of Nicholas Wirthwein, Louis Seibert, George Ewall, Peter Albritz, A. H. Werder, Emil Weiderhald, Joseph King, Charles F. Gerhold, and other citizens of Columbus, Ohio, protesting against Great Britain's seizure of mails and noncontraband supplies consigned to neutral ports; to the Committee on Foreign Affairs.

By Mr. CURRY: Petition of State Board of Viticultural Commissioners of California, that the impending railroad strike may be avoided, and that the Congress will take proper steps to insure the steady and unhampered shipment of freight; to the Committee on Interstate and Foreign Commerce.

Also, petition of California Electric Railway Association, asking that electric railways earning less than 15 per cent of revenue from interstate traffic be exempted from proposed railway legislation; to the Committee on Interstate and Foreign Commerce.

Also, petition of Vallejo Trades and Labor Council in behalf of an eight-hour day and other legislation proposed in behalf of railway employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of certain railway employees of Brighton, Cal., favoring the passage of the so-called railroad employees' eight-hour-day bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of William T. Appleton, of Boston, Mass., favoring passage of the game-sanctuary bill, House bill 11712; to the Committee on Agriculture.

Also, memorial of Philadelphia Bourse, relative to regulating actions of public-service employees; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: Petition of Manufacturers' Club of Philadelphia, Pa., favoring principles of arbitration; to the Committee on Interstate and Foreign Commerce.

By Mr. FLYNN: Petition of William T. Appleton, of Boston, Mass., favoring passage of the game-sanctuary bill, House bill 17130; to the Committee on Agriculture.

Also, memorial of Philadelphia Bourse, relative to regulating certain public-service employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of the State of Washington, against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LAFEAN: Petition of Pennsylvania Pharmaceutical Association, to support tariff bill for protection to American industries; to the Committee on Ways and Means.

By Mr. MATTHEWS: Evidence to accompany House bill 17695, for the relief of William L. Wiles; to the Committee on Military Affairs.

By Mr. RANDALL: Petitions of Tenth Avenue Baptist Church, of Oakland; Washington Street Methodist Episcopal Church, of Pasadena; and Garvanza Methodist Episcopal Church, of Los Angeles, all in the State of California, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Memorial of Chamber of Commerce of Dallas, Tex., favoring arbitration of labor disputes with railroad companies; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGUE: Petition of City Council of Lawrence, Mass., relative to returning to their homes, etc., men who volunteered for their country's service; to the Committee on Military Affairs.

By Mr. TINKHAM: Memorial of City Council of Lawrence, relative to restoring to homes and families men who volunteered for their country's service; to the Committee on Military Affairs.

By Mr. WILLIAMS of Ohio: Petition of Deposits Saving & Trust Co., of Akron, Ohio, in re interference with transmission of mails; to the Committee on Foreign Affairs.

#### SENATE.

FRIDAY, September 1, 1916.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee this morning under the pressure of a national crisis, facing issues which we must face in the fear of God, with the love of our brother man in our hearts. We ask for divine guidance and wisdom. We pray that there may be no conflict of interest that will separate heart from heart in this blessed fellowship of our national life, but that we may be enabled to see and to discern that there is no conflict of duty and no conflict of interest in this land of ours. Thou hast put into our hands in trust great responsibilities. Thou hast lavished the wealth of a great Nation upon us. Thou hast also given to us great principles of government as a part of our trust. Grant that we may draw from Thee such wisdom and grace as that we may justify our stewardship before God and men. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair and directed that the Journal be read.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, August 29, 1916, when, on request of Mr. Smoot and by unanimous consent, the further reading was dispensed with and the Journal was approved.

#### ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 541).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental and additional estimate of appropriation, in the sum of \$60,000, required by the War Department for the service of the fiscal year ending June 30, 1917, for public printing and binding, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore. The Chair lays before the Senate telegrams from the executive committee of the Chamber of Commerce of the State of New York, of New York City; from the Merchants and Manufacturers' Association, of Baltimore, Md.; and from the Chamber of Commerce and Federation of Allied Interests, of Tulsa, Okla., all bearing upon the subject of the threatened railway strike, which will be referred to the Committee on Interstate Commerce.

Mr. McCUMBER presented a petition of sundry citizens of Edgeley and La Moure, in the State of North Dakota, praying for the prohibition of the exportation of intoxicating liquor to Africa, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Grand Forks, N. Dak., remonstrating against the proposed enactment of legislation for compulsory arbitration of labor disputes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry citizens of Ludden, N. Dak., remonstrating against the enactment of legislation for compulsory observance of Sunday in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. PHELAN presented memorials of sundry citizens of California, remonstrating against the proposed retention of the stamp tax on insurance companies, which were ordered to lie on the table.

#### ENLISTMENTS IN THE ARMY.

Mr. TAGGART. My attention has been called to the bill (H. R. 17183) to prevent the enlistment of negroes in the military service of the United States. I addressed a letter to the Secretary of War on the subject and have received a reply from him. I ask that my letter, together with the reply of the Secretary of War and the bill referred to, which is short, may be printed in the Record.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

UNITED STATES SENATE,  
COMMITTEE ON FOREST RESERVATIONS  
AND THE PROTECTION OF GAME,  
August 28, 1916.

Hon. NEWTON D. BAKER,  
Secretary of War.

DEAR MR. SECRETARY: My attention has been called to H. R. 17183, introduced in the House of Representatives July 27, 1916, which I am inclosing herewith.

This bill states that hereafter there shall not be enlisted or reenlisted in the military service of the United States, either in the Army or Navy, any person of the negro or colored race. I feel sure that this bill does not meet with the wishes of the War Department. There are several occasions that call to my mind the valor and loyalty of the negro soldiers, and only recently their bravery was shown at Carrizal, Mexico.

I am opposed to this bill.  
Hoping to hear from your department that this bill does not meet with your approval, and with personal regards, I beg to remain,  
Yours, very truly,

T. TAGGART.

WAR DEPARTMENT,  
Washington, August 30, 1916.

Hon. THOMAS TAGGART,  
United States Senate.

MY DEAR SENATOR: I have received your letter of August 28 and read the copy of H. R. 17183 which you inclosed.

My attention had not been before called to this bill, and, so far as I know, it has not been referred to this department for opinion. The purpose of the bill is to prevent the enlistment or reenlistment of people of the colored race in the military service of the United States. Any such bill would receive the disapproval and adverse recommendation of this department.

Those who are familiar with the history of our country from the armies organized by George Washington in the American Revolution down to the present day know that brave and often conspicuously gallant service has been rendered by colored troops. In the most recent instance, at Carrizal, in Mexico, these colored troops conducted themselves with the greatest intrepidity, and reflected nothing but honor upon the uniform they wore.

Very truly, yours,

NEWTON D. BAKER,  
Secretary of War.

A bill (H. R. 17183) to prevent the enlistment of negroes in the military service of the United States.

*Be it enacted, etc.,* That hereafter there shall not be enlisted or reenlisted in the military service of the United States, either in the Army or Navy, any person of the negro or colored race.

SEC. 2. All laws and parts of laws in conflict herewith are hereby repealed.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (S. 1724) to reimburse the First National Bank of Owatonna, Minn., for revenue stamps stolen or lost in transit, reported it without amendment and submitted a report (No. 845) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 6862. A bill for the relief of Amos Dahuff (Rept. No. 848); and

H. R. 3223. An act for the relief of John W. Baggott (Rept. No. 849).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 169) interpreting section 50 of the act of June 3, 1916, for making further and more effectual provision for the national defense, and for other purpose, reported it without amendment and submitted a report (No. 847) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 784) to authorize the sale of certain lands at or near Belton, Mont., for hotel purposes, reported it with an amendment and submitted a report (No. 846) thereon.

He also, from the Committee on Military Affairs, to which was referred the bill (S. 1568) to correct the military record of Adolph F. Hitchler, reported it with amendments and submitted a report (No. 856) thereon.

He also, from the same committee, to which was referred the bill (S. 4667) for the relief of James Duffy, reported it with an amendment and submitted a report (No. 855) thereon.

Mr. WADSWORTH, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted a report thereon:

H. R. 1358. An act for the relief of Everett H. Corson (Rept. No. 850);

H. R. 1568. An act for the relief of N. Ferro (Rept. No. 851); and

H. R. 3238. An act for the relief of Sarah E. Elliott (Rept. No. 852).

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1963. An act for the relief of John E. Keys (Rept. No. 836);

H. R. 12145. An act for the relief of Joseph Manning (Rept. No. 837);

H. R. 12240. An act for the relief of John Brodie (Rept. No. 838);

H. R. 13106. An act for the relief of the trustee and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will (Rept. No. 839);

H. R. 13820. An act for the relief of Mrs. Jennie Buttner (Rept. No. 840);

H. R. 14572. An act for the relief of Gertie Foss (Rept. No. 841);

H. R. 14645. An act for the relief of the legal representative of P. H. Aylett (Rept. No. 842); and

H. R. 14784. An act for the relief of Alma Provost (Rept. No. 843).

He also, from the same committee, to which was referred the bill (H. R. 2535) for the relief of A. H. Rebutish, submitted an adverse report (No. 844) thereon, which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (H. R. 10007) for the relief of William H. Woods, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs, which was agreed to.

He also, from the same committee, to which was referred the bill (H. R. 11685) for the relief of Ivy L. Merrill, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs, which was agreed to.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 6145) for the relief of Edward F. McDermott, alias James Williams, reported it with amendments and submitted a report (No. 857) thereon.

Mr. BECKHAM, from the Committee on Military Affairs, to which was referred the bill (S. 61) to correct the military record of Samuel D. Chase, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5759) for the relief of James Dodds, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5184) for the relief of Ephraim A. Brown, reported adversely thereon, and the bill was postponed indefinitely.

#### NIAGARA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I reported back favorably with an amendment the bill (H. R. 17235) granting the consent of Congress to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes, and I submit a report (No. 854) thereon.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Mr. President, it had been suggested to me that there was more or less opposition to this bill, but upon investigation and inquiry I find no ground for it, and I believe the bill ought to pass.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was, on page 1, line 6, after the name "MacGlashan," to insert "Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw; and William A. Morgan, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Niagara River at a point suitable to the interests of navigation, within or near the city limits of Buffalo, in the county of Erie, in the State of New York, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided,* That subject to the provisions of this act the Secretary of War may permit the persons herein named to construct a tunnel or tunnels under said river in lieu of the bridge herein authorized, in accordance with the foregoing act approved March 23, 1906, so far as the same may be applicable.

SEC. 2. That this act shall be null and void unless the construction of said bridge or tunnels is commenced within two years and completed within five years from the date of approval hereof.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.



The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act granting the consent of Congress to W. H. Crosby; W. H. Andrews; E. G. Connette; Daniel Good; Henry May; Robert C. Gaupp; Edward Kener, jr.; William F. MacGlashan; Eugene L. Falk; John W. Robinson; John M. Willys; Oliver Cabana, jr.; Conrad E. Wettlaufer; H. A. Hurt; George J. Meyer; Myron S. Hall; John Lord O'Brian; Frank S. McGraw; and William A. Morgan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes."

JOHN P. SUTTON.

Mr. HITCHCOCK. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 16719) for the relief of John P. Sutton, and I submit a report (No. 853) thereon. I ask unanimous consent for the present consideration of the bill. It is a House bill and is very short.

Mr. SMOOT. Let it be read.

Mr. HITCHCOCK. I will explain it to the Senator from Utah.

Mr. SMOOT. That is what I desire the Senator to do.

Mr. HITCHCOCK. This person enlisted under the name of Gilbert Sutton and served three years in the Army. His real name was John P. Sutton. The bill has passed the House. It simply proposes to give him an honorable discharge in his real name instead of his wrong name. There is no question of desertion. He had a good record.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole. It provides that in the administration of the pension laws John P. Sutton, who enlisted in Company H, Eighteenth Regiment United States Infantry, on the 27th day of March, 1866, under the name of Gilbert Sutton, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment under his true name of John P. Sutton.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING (by request):

A bill (S. 6977) for the relief of Elmer Stevenson; to the Committee on Post Offices and Post Roads.

By Mr. ASHURST:

A bill (S. 6978) to correct the military record of Paul Hubner; to the Committee on Military Affairs.

A bill (S. 6979) granting an increase of pension to Samuel J. Rhodes; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 6980) granting a pension to Alfred P. Crump; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 6982) granting an increase of pension to Nellie A. Belden (with accompanying papers); to the Committee on Pensions.

#### WITHDRAWAL OF PAPERS—AUGUSTUS BOYD.

On motion of Mr. PENROSE it was

Ordered, That the papers accompanying the bill (S. 594) to place on the retired list with the rank of captain, Augustus Boyd, Fifty-fourth Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### RECESS.

Mr. SIMMONS. Mr. President, when we adjourned yesterday until 10 o'clock this morning it was understood that the chairman of the Committee on Interstate Commerce would be ready to report to the Senate a bill dealing with the railroad situation. We are now advised that the chairman will not be able to present a bill before 11 o'clock. We are also advised that a Republican conference has been called to meet at 10 o'clock, and it is desired that we shall take a recess in order to enable them to proceed with their conference. I therefore move—

The PRESIDENT pro tempore. The morning business has not yet closed. Will the Senator withhold the motion for a few moments and let us dispose of the routine morning business? It will require only a little further time.

Mr. SIMMONS. Is it not in order to move a recess at any time?

The PRESIDENT pro tempore. Yes; the Chair is inclined to hold that the motion would be in order.

Mr. SIMMONS. As I have stated, the other side have called a conference to meet at 10.

The PRESIDENT pro tempore. The Chair merely made the suggestion to the Senator from North Carolina.

Mr. SIMMONS. It is now past the hour of 10. Of course, if there is any special matter that needs attention, I would not insist on it.

Mr. MYERS. If the Senator will yield to me, I can name a special matter, and I hope the Senator will not make the motion to take a recess. I want to move to take up from the calendar the 640-acre homestead bill, a House bill which should be passed by the Senate. It is a short bill, and it will not take long to dispose of it.

The PRESIDENT pro tempore. That is a bill on the calendar and does not take precedence of the routine business.

Mr. MYERS. I should like very much to have the Senate attend to some business this morning.

The PRESIDENT pro tempore. The motion of the Senator from North Carolina is in order.

Mr. SIMMONS. I make the motion because I think it is due to the other side of the Chamber, who have called their conference for 10 o'clock. Their conference, I understand, is to consider the very grave questions that are now pending. I therefore move that the Senate take a recess until 1 o'clock.

Mr. MYERS. I hope the motion will not prevail. I want the Senate to take up the 640-acre homestead bill.

Mr. PENROSE and others. Question!

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina that the Senate take a recess until 1 o'clock.

The motion was agreed to; and (at 10 o'clock and 12 minutes a. m.) the Senate took a recess until 1 o'clock p. m., at which hour it reassembled.

#### CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Simmons
Bankhead	Kenyon	Page	Smith, Ariz.
Chamberlain	Kern	Penrose	Smith, Md.
Clapp	Lane	Phelan	Smoot
Clarke, Ark.	Lee, Tenn.	Hittman	Swanson
Curtis	Lee, Md.	Pomerene	Taggart
Fletcher	Lewis	Ransdell	Thomas
Gallinger	Martin, Va.	Robinson	Underwood
Gronna	Myers	Shafroth	Wadsworth
Hitchcock	Newlands	Sheppard	Warren
Husting	O'Gorman	Shields	Williams

The PRESIDENT pro tempore. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. DILLINGHAM, Mr. DU PONT, Mr. HUGHES, Mr. LA FOLLETTE, Mr. MCCUMBER, Mr. SAULSBURY, Mr. SMITH of South Carolina, Mr. VARDAMAN, and Mr. WALSH answered to their names when called.

Mr. BECKHAM entered the Chamber and answered to his name.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained on account of illness in his family. I will let this announcement stand for the day.

Mr. McLEAN, Mr. NORRIS, Mr. BRYAN, and Mr. SMITH of Georgia entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

#### PROPOSED RAILROAD LEGISLATION.

Mr. NEWLANDS. I introduce a bill and ask that it be read twice by its title and referred to the Committee on Interstate Commerce.

The bill (S. 6981) to establish the eight-hour standard work-day in interstate transportation, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, in which it requested the concurrence of the Senate.

## PUBLIC BUILDING AT MADISON, WIS.

The PRESIDENT pro tempore. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 14391) authorizing the purchase of a site and the erection of a public building thereon at Madison, Wis., was read twice by its title.

Mr. SWANSON. I ask unanimous consent that this bill, which has passed the House, be considered by the Senate. I will say that it proposes simply to change \$55,000 that was appropriated in 1913 to tear down the old building at Madison, Wis., and erect on the site a new building. They have since ascertained that it would be much better to sell the land on which it was proposed to tear down the old building and buy a new site upon which to erect a new post-office building.

This bill has passed the House. It simply provides that the old site may be sold, the money paid into the Treasury, and the amount of money appropriated heretofore shall be available for the purchase of a site and the erection of the new building. There is no increase of appropriation at all.

Mr. GALLINGER. I have no doubt this is a good bill but—

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. GALLINGER. I suggest that it go to the committee.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Public Buildings and Grounds.

## HOUSE BILL REFERRED.

H. R. 17645. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

## PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had, on September 1, 1916, approved and signed the following act:

S. 5103. An act authorizing and directing the Secretary of War to lease to Charleston-Dunbar Traction Co. a certain strip or parcel of land owned by the United States Government on the Great Kanawha River in West Virginia.

## THE REVENUE.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 16763.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16763) to increase the revenue, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the adoption of the amendment offered by the Senator from New Hampshire [Mr. GALLINGER], which will be stated.

The SECRETARY. On page 135, lines 19 and 20, strike out the words "a part of the classified service" and substitute the words "appointed from the list of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law."

Mr. GALLINGER. Mr. President, as I suggested on yesterday, in the shipping bill and the so-called compensation bill I offered a similar amendment in each case providing that these appointments shall be made from the classified service. There are a large number of men and women on the eligible list who have spent their money and given their time to take examinations. Examinations are now being held all over the country for the purpose of increasing the eligible list. It is very bad legislation, as I look at it, to provide that the subordinate officials shall be appointed without reference to the civil service of the country.

I have not had time to look at those bills as they finally became laws to see what became of the amendment the Senate put in, without any opposition whatever, whether they remained in the bill; but whether they did or not, Mr. President, there is every reason why the amendment I have offered should be agreed to by the Senate, which I trust will be the result.

The PRESIDENT pro tempore. The question is on the adoption of the amendment to the amendment.

Mr. JONES. Mr. President, I think in connection with this provision of the bill it would be interesting to note the provisions of the various laws that have been passed during this Congress with reference to the civil service, and I am going to take the time of the Senate just for a little while to call attention to those various provisions.

This administration is run on a "state-of-mind" plan, on a psychological basis and on the theory that what it says is, is. If the people can be hypnotized by a wave of the hand and a command or dictum into accepting this theory of running the Government, we may see it followed through another four years.

The President tells the people that their ills do not in fact exist, and expects them to believe it, and he tells the business interests that the difficulties under which they labor are only psychological, and that is supposed to end their troubles.

Time and again crude, cumbersome, expensive, and half-digested laws have been signed with great ostentation and elaborate theatrical settings, and the people have been assured that they are the acme of legislative wisdom and sure panaceas for all the ills that afflict them, whether actual or imaginary. They are told not to worry any more, all is well. There is not anything really wrong. They only think so. For some perverse, occult, and sinister reason the people can not trace any beneficial results to these laws, but "hope springs eternal in the human breast"; "the future is before us," and all may be well.

This administration came into power upon a platform of promises to the American people, which it declared itself were to be kept and which its candidate declared was not "molasses to catch flies." It seemed to assume that, having so declared, it could disregard these promises ad libitum, and began its career by directly repudiating one of these promises at the dictation of the President. Platform promises have never in the history of political parties been so flagrantly repudiated or disregarded as during the past three years. The Democratic Party has treated its platform pledges as pledges not to be kept and as "molasses to catch flies." It did not have the nerve to declare in its 1916 platform that its pledges are to be kept, and you will not hear its candidate, if he is ever notified of his nomination, saying anything about "molasses to catch flies."

Let us take one declaration of party policy, one pledge that was not "molasses to catch flies," and see how performance squares with promise, and leave it to the people to decide whether a mere dictum shall be accepted as against affirmative action.

Party divisions are based upon principles and not upon spoils. The people want efficiency in government, rather than partisan success. They favor the merit system in government rather than "to the victor belongs the spoils." Knowing this, the Democratic Party declared in its platform of 1912:

The laws pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

Have they kept this pledge? What action have they taken to comply with it. The first important act passed was the Underwood-Simmons Tariff Act of October 3, 1913. It imposed many new and unusual taxes, and made necessary the selection and appointment of many new employees. Was the civil-service law applied in the selection of such employees, to the end that "merit and ability" should be the standard of appointment rather than party service? Not at all. It was expressly provided in the act that—

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint \* \* \* all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors.

Additional employees were needed in the office of the Commissioner of Internal Revenue at Washington. Were they to be selected under the civil-service law? They could have been, and this would have been the proper course to take if the civil-service law was to be regarded. It was specially provided in the law, however, that—

In the office of the Commissioner of Internal Revenue, at Washington, D. C., there shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, one additional deputy commissioner, at a salary of \$4,000 per annum; two heads of division, whose compensation shall not exceed \$2,500 per annum, and such other clerks, messengers, and employees \* \* \* as may be necessary: *Provided*, That for a period of two years from and after the passage of this act the force of agents, deputy collectors, inspectors, and other employees, not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue, in the city of Washington, D. C., authorized by this section of this act shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service, and with such compensation as the Commissioner of Internal Revenue may fix, with the approval of the Secretary of the Treasury, within the limits herein prescribed.

That was a positive legislative repudiation of the civil-service system as applicable to hundreds of employees to be appointed to carry out the revenue act. On a motion to strike out this proviso the yeas were 32—all Republicans—and the nays 37—all Democrats. On an amendment by Senator GALLINGER to require these employees to be selected under civil-service rules, yeas 32, nays 37.

A few days afterwards, to wit, October 22, 1913, there was approved an appropriation bill which contained a provision expressly repealing the civil-service law as applicable to deputy collectors of internal revenue and deputy marshals, who had been, pursuant to law, placed within the operation of the civil-



service system. The urgent deficiency act, upon its first page, provided as follows:

*Provided*, That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or the United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond, without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have the power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid.

The pressure was too great, the spoils were too inviting. Efficiency of service must give way to the rewards of party loyalty, and these official positions that had been placed under the operation of the civil-service law in the interests of the people and of efficiency and economy were to be used under the authority of a special legislative provision as rewards for party service.

The Federal reserve act was approved August 15, 1914. Under its provisions many additional clerks and employees were required. Was their selection left to the efficiency system? Was the platform pledge observed? Not at all. The administration of this act must also be made subject to party rewards, and the Federal Reserve Board was given authority—

To employ such attorneys, experts, assistants, clerks, or other employees as may be deemed necessary to conduct the business of the board. All salaries and fees shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the members of said board. All such attorneys, experts, assistants, clerks, and other employees shall be appointed without regard to the provisions of the act of January 16, 1883 (22 Stat. L., 403), and amendments thereto, or any rule or regulation made in pursuance thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

These various employees are not to be selected under the civil-service system, but immediately upon their appointment the President can classify them under the system. In filling the offices our Democratic friends are for the spoils; when the offices are filled they are for clinching their hold on the spoils by applying the merit system.

The act to create a Federal Trade Commission was approved September 26, 1915. It also created many additional offices, and its administration would require the appointment of many additional clerks and employees. The provision relating to its employees is a very peculiar one. It is hard to see just what is the intention with reference to the appointment of the employees necessary to carry out the provisions of this act. It provides:

The commission shall appoint a secretary, who shall receive a salary of \$5,000 a year, payable in like manner, and it shall have the authority to employ and fix the compensation of such attorneys, special experts, examiners, clerks, and other employees as it may from time to time find necessary for the proper performance of its duties and as may be from time to time appropriated for by Congress.

This would seem to place the authority to employ clerks and other employees directly in the hands of the Federal Trade Commission without regard to the civil-service law. It is qualified to a certain extent by a provision that all employees of the commission excepting certain special ones shall enter the service under such rules and regulations as may be prescribed by the commission and by the Civil Service Commission.

One thing is certain, the Federal Trade Commission will determine the rules and regulations under which these employees will enter the service, notwithstanding the act gives the Civil Service Commission some concurrent authority in the matter. The act is careful to provide, however, that the employees of the commission, after they get into the service, whether as a reward for party service or otherwise, "shall be a part of the classified civil service."

The act providing for a Federal Farm Loan Board, approved July 17, 1916, will require the employment of many clerical officers and other employees, and care was taken to eliminate the operation of the merit system in the appointment of these officials and to apply it after their appointment, in order, if possible, to insure the continuance of the reward given for party service.

This act provides:

The Federal Farm Loan Board shall be authorized and empowered to employ such attorneys, experts, assistants, clerks, laborers, and other employees as it may deem necessary to conduct the business of said board. All salaries and fees authorized in this section and not otherwise provided for shall be fixed in advance by said board and shall be paid in the same manner as the salaries of the Federal Farm Loan Board. All such attorneys, experts, assistants, clerks, laborers, and other employees, and all registrars, examiners, and appraisers shall be appointed without regard to the provisions of the act of January 16, 1883 (Vol. XXII, United States Statutes at Large, p. 403), and amendments thereto, or any rule or regulation made in pursuance

thereof: *Provided*, That nothing herein shall prevent the President from placing said employees in the classified service.

The shipping bill which has now passed and which will no doubt become a law authorizes the appointment of a shipping board and also necessitates the employment of several hundred clerks and other officials. No attention is paid either to the declaration of the platform of 1912 or the declaration in the platform of 1916, but it is provided that:

The board shall appoint a secretary, at a salary of \$5,000 per annum, and employ and fix the compensation of such attorneys, officers, naval architects, special experts, examiners, clerks, and other employees as it may find necessary for the proper performance of its duties as may be appropriated for by the Congress.

After these appointments are made and these officials are inducted into office without regard to the civil service, it is expressly provided that all employees of the board, with certain exceptions, shall be "part of the classified civil service."

It was reported by the committee to the Senate, the Senate modified it by an amendment offered by the Senator from New Hampshire [Mr. GALLINGER], and this amendment was accepted in the House, as were all the amendments made by the Senate to the shipping bill. If the bill had gone to conference there is not any doubt in my mind but that that provision would have been eliminated and it would have been reported here as it passed the House and as reported by the committee.

In the revenue act of this session, which has been reported to the Senate, an amendment has been inserted by the Senate committee reading as follows:

SEC. 47. For the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated \$100,000, or as much thereof as may be required, out of any money in the Treasury not otherwise appropriated, and the Commissioner of Internal Revenue is authorized to appoint and fix the compensation of such officers, clerks, messengers, janitors, and other necessary employees in the enforcement of the provisions of this act for duty in the District of Columbia, or any collection district of the United States, or any of the Territories thereof.

The amendment is the provision now pending before the Senate to which the amendment of the Senator from New Hampshire has been offered.

No compliance with the civil-service law in this. It is a pure matter of party spoils. Appointment of the necessary officials, from officers to janitors, is left solely to the Commissioner of Internal Revenue, who will be strictly a party man.

Under the employees' compensation act a commission is provided, and, of course, additional employees will be necessary. Section 30, as it passed the House and was reported to the Senate, provided:

That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed in the same manner as appointments to the competitive classified civil-service positions.

This was changed in the Senate through an amendment offered by Senator Gallinger expressly requiring these appointments to be made from the classified service and under civil-service rules. We are getting a little nearer election time, and our Democratic friends are not quite so bold in their legislative repudiation of the civil service. This provision may be accepted by the House, although if the bill should go to conference the provision will very likely be eliminated.

So hungry have our Democratic friends been that special positions have not been exempt from their attacks. The Commissioner of the Five Civilized Tribes was manipulated so as to make it a politically appointive office, as was the commissioner of immigration at New Orleans. The effort to have the commercial attachés provided for the Department of Commerce in the interest of our foreign commerce selected under the merit system was stoutly and effectively resisted by the Democrats, and these positions were left to political influence. These are a few of the minor instances showing the attitude of the party in power toward the civil-service system to which they so vehemently protest their devotion but which they wholly disregard.

In view of this record, the declaration in the Democratic platform of 1916 that "We reaffirm our declaration for the rigid enforcement of the civil-service law" is a choice bit of satire. They should have added to this declaration "And we point with pride to our record of strict adherence to the civil-service laws and principles as exemplifying the meaning of the declaration which we hereby reaffirm."

Several attempts have been made to further destroy the civil service. One in particular should be noticed. The Post Office Department is the greatest governmental agency in existence. It touches all of the people very intimately. Its efficient and economic administration is of the highest concern. Assistant postmasters had been placed in the classified service in the interest of economy and efficiency. One of the first attempts made by this administration was to take them, together with the



other local post-office employees, out of the civil service and make their positions the prey of partisanship.

August 7, 1914, House bill 17042, "A bill to amend the postal and civil-service laws, and for other purposes," was under consideration in the House. The following amendment was proposed by Mr. CULLOR, of Indiana:

That hereafter any assistant postmaster, clerk, or employee in any post office who may be required by law or by authority or direction of the Postmaster General to give a bond to the United States to secure faithful performance of official duty may be required also to execute a bond to the postmaster whose assistant, clerk, or employee he is, for the faithful performance of his duties as such, in the discretion of the Postmaster General. The postmaster of all such offices shall have the power to select his assistant postmaster, all clerks, and employees irrespective of any civil-service law to the contrary, and all laws, regulations, and orders in conflict with this act are hereby repealed and nullified: *Provided*, That all such appointments shall be for a period of four years.

Under this amendment not only assistant postmasters would be taken out of the civil service but all local post-office clerks and other employees would be excluded from the operation of the civil-service laws and made the prey of party politics. This amendment was adopted in the Committee of the Whole, where no record is made showing how each individual voted, by a vote of 75 yeas to 25 nays. When the amendment came to a record vote and each Representative was compelled to go on record, the amendment was defeated by a vote of 162 yeas to 81 yeas, but it is significant of the attitude of the Democratic Party that every one of the 81 yeas was a Democrat.

Further attempts have been made to exclude assistant postmasters from the operation of the civil service. The Postmaster General recommended the abolishment of the office, and the substitution for it of a superintendent of finance. An attempt was made to carry out this recommendation, and it was in the Post Office appropriation bill as it came over to the Senate a year or two ago. The Senate would not stand for it. It was stricken out of the bill. Although again recommended by the Postmaster General, our Democratic friends have not dared to press the matter further.

I do not know what has been done in an administrative way to nullify and undermine the civil-service system. I have simply pointed out what is disclosed by the record and can not be disputed. When such open and drastic legislative action has been taken, it is safe to conclude that everything possible has been done in an administrative way to put the "faithful" in and the experienced and efficient out.

Explanations will be made and reasons will be given in excuse of what has been done. The people will know, however, that the civil-service pledge has been and is shown to be "molasses to catch flies."

Mr. FLETCHER. Mr. President, I wish to say, with reference to the amendment which the Senator offered to the ship-purchase bill, which he claims would have brought those employees under the civil service, the bill as it came from the other House provided that they should be appointed from the classified service. I do not think the Senator's amendment added very much to that. At any rate, it is in the law, I take it, because the bill was agreed to by the House as it went from the Senate.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The question is on the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the amendment of the committee. Does the Senator ask for the yeas and nays on the amendment?

Mr. GALLINGER. No; let the vote be taken viva voce.

Mr. SIMMONS. Mr. President, I do not think the section to which the amendment of the Senator from New Hampshire applies at all interferes with the civil-service status of any of the officials mentioned in his amendment.

Mr. GALLINGER. If the Senator from North Carolina will permit me, I think it does, and I want to suggest to the Senator at this point that I have another amendment, which has been printed, to come in on page 135, in lines 20 and 21; but it strikes me that \$100,000 is appropriated in this provision to pay these subordinate officers. I do not know what else it is for.

Mr. SIMMONS. Well, you will have to pay men under the civil service as well as pay men outside of it.

Mr. GALLINGER. Certainly; and that is precisely what I want to do. I want to get the eligible lists made shorter, rather than longer, in the Civil Service Commission. They are now holding examinations all over the country, and a large number of eligibles will come to that commission to be placed on the list. Unless they are to be appointed to these places under the laws which we are passing, it is utterly idle for the Civil Service Commission to put these young men and young women to the trouble and expense of taking the examinations.

Mr. SIMMONS. That is exactly what I have said, Mr. President. My statement to the Senate was to the effect that

there is nothing in this bill which provides that any additional force which may be required to carry out its provisions would be taken from under the civil service. We have a general law, expressly declaring what positions shall be covered under the civil service. The positions mentioned in the bill are all positions that are now under the civil service. The bill simply provides for the appointment of the officials by the Commissioner of Internal Revenue; but those appointments will have to be made according to the present law, and the present law places under the civil service all of the positions mentioned in the bill.

Mr. GALLINGER. I do not agree with my friend from North Carolina. This provision expressly says that the Commissioner of Internal Revenue is authorized to appoint and to fix the compensation.

Mr. SIMMONS. Exactly, Mr. President; but he appoints them under existing law; he appoints them from the civil service.

Mr. GALLINGER. I do not think so at all. If that were so, he would not have to fix the compensation. The law fixes the compensation for clerks in the various classes.

Mr. SIMMONS. No; the law does not always fix the compensation of clerks, messengers, and janitors.

Mr. GALLINGER. Why, there is a statutory law covering all of that; and the Senator from North Carolina must know it.

Mr. SIMMONS. I think not always.

Mr. GALLINGER. If these men are to be appointed from the civil service, what harm would it do to say so?

Mr. SIMMONS. Mr. President, I will say to the Senator that we ought to deal frankly with each other about this matter. In the committee and in the conference the question was considered, and there was no disposition whatsoever, either in the one body or in the other, to take these officials out from under the civil service. In fact, my recollection is—and I will ask the Senator from New Jersey [Mr. HUGHES], who looks especially after these matters, to correct me if I am wrong—that some Senator offered an amendment providing that these officials should not be under the civil service—it was either in the committee or in the caucus—and that proposition was voted down.

It was not our purpose to take these officials out from under the civil service. We did not think this provision of the act did take them out of the civil service. I think it is but fair that I should make this statement to the Senate. I do not myself think there is any doubt about it. It is clear to my mind that the appointment here authorized is an appointment to be made by the commissioner of these people from the eligible list.

Mr. GALLINGER. But it does not say so.

Mr. SIMMONS. That is to say, it does not make any difference whether the particular official is under the civil service or not; the appointment has to be made. If it is not under the civil service he is appointed from the general body of the people. If it is under the civil service he is appointed from an eligible list of three, which is certified by the Civil Service Commission; but in either event it is an appointment, and somebody must be given the power to make that appointment. We gave the Commissioner of Internal Revenue the power to make it; he has the power now to make all appointments in his office, whether they are under the civil service or not under the civil service. He is simply governed by one rule in one case and by a different rule in the other case. Our understanding of this was that we simply gave him authority to make these appointments, and the appointments will be made from the eligible lists as in other cases of appointments of clerks, messengers, janitors, and other necessary employees in the departments.

Mr. GALLINGER. The Senator will not argue that in sundry bills which were passed—and I will state that they were passed before my attention was called to the matter—for instance, the income-tax law, those appointments were to be made from the classified lists of the Civil Service Commission?

Mr. SIMMONS. If the Senator will pardon me, my attention was diverted for a moment.

Mr. THOMAS. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. I understand the Senator from Colorado desires to make a statement in reference to the pending matter.

Mr. THOMAS. The Senator from New Jersey [Mr. HUGHES] has informed me of certain action that was taken concerning this identical subject, which I had forgotten. In view of that the committee will accept the amendment to the amendment which is proposed by the Senator from New Hampshire.

Mr. GALLINGER. Very well.



Mr. SIMMONS. Mr. President, I want to say in accepting the amendment to the amendment that it was our view—and it is my view now—that it is not necessary. But if there is any doubt about it, or if Senators think there is any doubt about it, as it is our purpose not to except employees under this bill from the civil service, we will accept the amendment.

Mr. SMOOT. Mr. President, I desire to say to the Senator from North Carolina before he leaves the Chamber that unless that amendment is kept in the bill in conference the employees here authorized can be selected from anywhere in the United States. They must be put under the civil service by the law itself or else the appointing power—in this case the Commissioner of Internal Revenue—can select the men from anywhere outside of the civil service.

Mr. SIMMONS. Then, the Senator contends that if we have a general law providing that a certain force shall be under the civil service and it becomes necessary by virtue of the fact that a bill is passed requiring additional men to be employed we will have to provide that the additional men shall also be appointed from the civil service?

Mr. SMOOT. The trouble is that the law does not provide that hereafter all employees shall be under the civil service. Each branch of the service is put under the civil service by law, and there is no employee who falls under the civil-service law unless the law authorizing the appointment or some future law places him under the civil service.

Mr. SIMMONS. Now, let me ask the Senator another question. If the general law puts messengers under the civil service, and by virtue of legislation it becomes necessary to appoint more messengers, do we have to pass another law putting those additional messengers under the civil service?

Mr. SMOOT. Mr. President, messengers and certain other employees are provided for at a certain rate by statute. Among these are clerks of class 1, clerks of class 2, clerks of class 3, and clerks of class 4, and the salaries paid to the clerks in each one of those classes is fixed by law. So it is with laborers, watchmen, and messengers; but the employees provided for in this bill are merely designated as clerks, messengers, and so forth, for the purpose of carrying out the provisions of this act; and the bill does not require that they shall be taken from the civil-service lists unless we so provide at the time we appropriate for the payment of their services.

Mr. SIMMONS. Mr. President, without continuing the discussion with the Senator, all I care to say about it now is that it was our purpose that these employees should be under the civil service, and we believed that we had put them under the civil service; but if there is any doubt about it, we accept the amendment.

Now, let me say, in addition, that the Senator from Washington [Mr. JONES] stated here this morning that if the shipping bill had gone to conference he had no doubt in the world that the provision in that bill which required employees under it to be taken from the civil service would have been stricken out. Why the Senator should make that statement upon the floor of the Senate, in view of the fact that the amendment putting them under the civil service was accepted by the committee when it was offered here, and was supported by the Democrats, I can not understand.

Mr. JONES. Mr. President, I will state to the Senator why I made the statement. I made it simply because of the previous record of his party in this respect, as I have shown it to be. I have not a doubt that the Senate conferees would have stood for the proposition put in the Senate bill with a reasonable degree of pertinacity; but I expressed it as my opinion that I had no doubt the bill would have come back here with the Senate amendment stricken out and the provision kept in as it passed the House. Of course that is only my opinion, based upon the record made by this Congress with reference to civil-service matters under this administration.

Mr. SIMMONS. Oh, the Senator said that he had absolutely no doubt about it. Now, what reason has the Senator for thinking that the Democrats in the House would have taken a different course or would have felt differently with respect to this matter than the Democrats of the Senate, representing the Democratic Party in this body, took or felt?

Mr. JONES. I take it that the House conferees would have felt disposed to stand by the House provision, because it had been adopted by the House, and I think they would have stood by it all the more pertinaciously because they were in favor of it and because the record shows that that would have very likely been the outcome. Of course the Senator may not agree with me; it is a matter of opinion between us; but I base my opinion upon the record of his party.

Mr. SIMMONS. Upon the same basis of reasoning and by the same parity of reasoning the Senator could say with equal propriety that he had no doubt that every amendment made by the Senate to the House bill would have been stricken out in conference.

Mr. JONES. Oh, no; I can not agree to that suggestion, Mr. President.

Mr. FLETCHER. Mr. President, may I suggest to the Senator at this moment that the shipping bill as it came from the House expressly provided—and even if the conferees had given up the Senate amendment, they would have gone back to the House provision—that “all employees of the board shall be a part of the classified civil service.”

Mr. JONES. Is the Senator from Florida referring to the shipping bill?

Mr. FLETCHER. Yes; that provision was in the shipping bill as it came to the Senate.

Mr. JONES. Yes; it provided that the employees should be appointed without regard to the civil service, but that immediately after they were appointed they should come under it. That is what that provision meant, and that is all it meant.

Mr. FLETCHER. I can not see for the life of me but that the bill expressly covered the contention which Senators on the other side are now making.

Mr. OVERMAN. Mr. President, I think the Senator from Utah [Mr. SMOOT] is altogether wrong in his contention, and, although I am not going to enter into a controversy with him about it, I disagree with him as to one of the statements made by him. When a messenger is appointed the general law fixes his salary and provides that he shall be under the civil service. So it is with janitors and with clerks. If a \$1,200 clerk is appointed, he must be appointed in accordance with civil-service requirements. The only way to get around the civil-service law is to enact a provision that the civil-service law shall not apply in a particular case, as has been done sometimes heretofore. However, I rose more particularly to ask the Senator from New Hampshire—I have not heard his amendment read—whether his amendment would put deputy collectors, who are not under the civil service, in the civil service?

Mr. GALLINGER. It does not touch them at all.

Mr. OVERMAN. Then, that is all right.

Mr. VARDAMAN. Mr. President, I ask that the amendment be again stated. I was a little late in getting into the Chamber and did not hear it.

The PRESIDING OFFICER. The amendment has been accepted by the committee.

Mr. VARDAMAN. I should like to hear it, however.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 83, after line 7, it is proposed to insert:

All appointments of officers, clerks, messengers, janitors, and other necessary employees shall be made from the eligible lists of the Civil Service Commission and in accordance with the provisions of the civil-service law.

Mr. GALLINGER. Mr. President, just a word. I do not desire to get into a controversy over this matter; but, as I have said, I offered a similar amendment to the shipping bill and to the workmen's compensation bill. Looking at the Record, it appears that the conferees agreed to the Senate amendment in the case of the workmen's compensation bill, and that in the case of the shipping bill, that bill not having gone to conference, the amendments of the Senate were agreed to by the other House en bloc.

I notice in connection with these bills—and, of course, different persons draft them—that differing phraseology is employed. For instance, when the shipping bill was under consideration it was argued that the provision in that bill was a civil-service provision. Now, let us see how it read:

All employees of the board shall be a part of the classified civil service.

That is to say, the board would appoint them outside of the civil service, and automatically they would go into the civil service without examination.

Mr. SMITH of Georgia. Would it not be a correct interpretation of that provision that until the employees were put into the civil service they could not be appointed, and would it not mean that they would have to be in it all the time, and therefore have to come from it?

Mr. GALLINGER. They would be put under the civil service in about five minutes after they were employed under that provision.

Mr. SMITH of Georgia. I do not think the shipping board could have appointed a man who was not under the civil service.



Mr. GALLINGER. However, I offered a similar amendment to that bill, which was agreed to, and it is part of the law; and I do not think there is going to be any serious objection to my amendment in this instance.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. GALLINGER] to the amendment proposed by the committee.

The amendment to the amendment was agreed to.

Mr. THOMAS. Mr. President, inasmuch as this discussion has arisen regarding the amendment of the Senator from New Hampshire [Mr. GALLINGER], I want to call attention to the fact that the civil service, so called, is in some respects fulfilling some of the apprehensions expressed regarding the system at the time of and before its adoption. The vast body of employees of the Government now holding their positions under what is called the civil service are an organized body of men and women. I do not know how many they number, but several hundred thousand at the present time.

I recall that at the time the subject was agitated the fear was expressed that permanent tenure of service would create what was then called an aristocracy of officeholders. It certainly has created an organization of officeholders that is becoming sufficiently strong to dictate legislation to the Congress of the United States, and bids fair to be one of those organizations before whose demands we are in times of crisis expected to yield, or, at least, to act with that expedition which is incompatible with mature deliberation.

I am not opposed to the civil service. I have been at one time quite an advocate of the system; but it seems to me that certain conditions affecting this service are becoming somewhat sinister in their manifestations, and that in the near future it might perhaps be well, if not necessary, to enact some further legislation with regard to the subject.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment, as amended, was agreed to.

The next amendment was, on page 83, after line 7, to insert:

SEC. 48. No person employed by the United States shall communicate, or allow to be communicated to any person not legally entitled thereto, any information obtained under the provisions of this title, or allow any such person to inspect or have access to any return furnished under the provisions of this title.

The amendment was agreed to.

The next amendment was, on page 83, after line 13, to insert:

SEC. 49. Whoever violates any of the provisions of this title or the regulations made thereunder, or who fails or refuses to make the return required, or who knowingly makes false statement in any return, or refuses to give such information as may be called for, is guilty of a misdemeanor and upon conviction shall, in addition to paying any tax to which he is liable, be fined not more than \$10,000 or imprisoned not exceeding one year, or both, in the discretion of the court.

The amendment was agreed to.

The next amendment was, on page 83, after line 22, to insert:

SEC. 50. All administrative, special, and general provisions of law, including the laws in relation to the assessment and collection of taxes not specifically repealed, are hereby made to apply to this title so far as applicable and not inconsistent with its provisions.

The amendment was agreed to.

The next amendment was, on page 84, after line 2, to insert:

SEC. 51. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporations subject to such provisions to furnish him with further information whenever in his judgment the same is necessary to collect the tax provided for herein.

The amendment was agreed to.

Mr. LANE. Mr. President, I understood a reservation was made in one part of this subdivision of the bill by the Senator from Wisconsin [Mr. HUSTING].

The PRESIDING OFFICER. No reservation was made in regard to this subdivision, as the Chair understands.

The reading of the bill was resumed, beginning with line 6, page 106.

The next amendment was, on page 106, line 6, after the words "rate of," to strike out "3" and insert "8," so as to make the clause read:

Manufacturers of cigarettes, including little cigars weighing not more than 3 pounds per thousand shall each pay at the rate of 8 cents for every 10,000 cigarettes, or fraction thereof.

The amendment was agreed to.

The next amendment was, on page 106, after line 21, to insert:

SEC. 58. That section 2804 of the Revised Statutes as amended by section 26 of the act of August 28, 1894, be further amended, and section 3402 of the Revised Statutes be amended to read as follows:

"SEC. 2804. No cigars, cheroots, or cigarettes shall be imported unless the same are packed in boxes of not more than 500 in each box, and all cigars, cheroots, or cigarettes on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection: *Provided*, That cigars, cheroots, and

cigarettes imported by mail or parcel post may be inspected and stamped without removing to public store or bonded warehouse. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps and to make all necessary regulations for carrying the above provisions of law into effect.

"SEC. 3402. All cigars, cheroots, or cigarettes imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars, cheroots, or cigarettes manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars, cheroots, or cigarettes while they are in the custody of the proper customs officers, and the cigars, cheroots, or cigarettes shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars, cheroots, and cigarettes manufactured in the United States. Whenever it is necessary to take any cigars, cheroots, or cigarettes so imported to any place other than the public stores of the United States for the purpose of affixing and canceling such stamps the collector of customs of the port where such cigars, cheroots, or cigarettes are entered shall designate a bonded warehouse to which they shall be taken under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars, cheroots, or cigarettes to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be deemed guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than six months nor more than three years: *Provided*, That cigars, cheroots, or cigarettes brought into the United States by mail or parcel post may be inspected, stamped, and delivered to the owner or importer thereof without removing to public stores or bonded warehouses under such regulations as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury and the Postmaster General."

Mr. FLETCHER. Mr. President, I want to strongly object to the adoption of that amendment offered by the committee. It is entirely a new proposition. The objections which I make to it are based mainly upon two grounds:

First, if put into effect, such a law would very seriously detract from and injure the great tobacco industry of this country. It is an industry from which the Treasury of the United States derives revenue in the way of customs duties and internal-revenue tax to the amount of \$110,000,000 annually. It is an important industry in my own State. Shade-grown tobacco is now being developed to an extent where it is an important competitor of Sumatra wrapper. The cigar-manufacturing industry of Tampa is a very important one.

The annual output in manufactured cigars amounts in value to something like twelve and a half million dollars. There are manufactured in Tampa and West Tampa together over 250,000,000 cigars annually. There is paid for internal-revenue stamps at that office an amount exceeding \$900,000 annually. The customs duties paid in Tampa amount to over \$2,000,000 per annum. Key West is another large manufacturing center.

This provision, if it should become law, would have the effect of advancing the interests of manufacturers in Cuba to the great detriment and injury of manufacturers in this country; and there is no need now of facilitating that competition by enabling the Cuban manufacturer to lay on the desks of consumers in this country cigars by the box, 50 or 100, as the case may be. There is a sort of feeling that the Cuban cigar is of superior quality, and Cuba has a well-deserved reputation for producing the finest tobacco grown in the world for the manufacture of cigars. But Cuba also produces poor tobacco, and Cuban manufacturers also manufacture sorry cigars. The consumer in this country, however, basing his choice upon the reputation of Cuba, would be prompted to order his cigars from Cuba instead of from the manufacturer in the United States if he obtained them at something like the same price, and consequently that trade would drift away from our own manufacturers to the Cuban manufacturers.

The injury would be felt also by the middlemen, the clubs, and other agencies of distribution in the United States. It would mean an enormous sacrifice on the part of our own industries for the benefit of foreign manufacturers. That sacrifice is not called for to-day. Cuba was never more prosperous. Both her sugar industry and her tobacco industry are flourishing as perhaps never before in her history. There is no call for any extension of benevolence or philanthropy on our part to Cuba just at this time, and this provision would have the sole effect of advantaging competitors in our own industry, those competitors being in foreign countries. Cuba already has the great advantage of a 20 per cent reduction on tariff duties. That law or convention it may be worth while to look into to see whether or not it should be continued, but it is an advantage to Cuba, and it seems to me we are not at this time called upon to extend additional advantages to our competitors in that country.

The next proposition is that the provision will not raise one dollar of additional revenue. This is a revenue bill. It is not a bill proposing general legislation for promoting the parcel post or extending it or opening the way for parcel-post conventions with other countries. This provision will not add one cent to the revenue if it should become the law of the land, and



therefore it has no place in this bill. As I have said, this is a revenue bill. We are attempting here to raise the revenue which we need and require; but this provision does not raise one dollar of revenue, and therefore I contend that upon that ground it ought not to be adopted.

I understand, Mr. President, that the proposal was submitted to the House committee, and that that committee practically unanimously determined against it. My conviction is that if the Senate should agree to this amendment it would not be held in agreement in conference. I have every reason to believe that the House conferees will stand by their previous determination, and that this provision, even if agreed to in the Senate, would go out in conference. For that reason I am not going to elaborate upon the arguments which might be made against it. I have a firm faith that the House will stand by its position with reference to this proposal, and that this amendment could not be agreed to in conference, even though the Senate should adopt it. Therefore I am not going to take the time of the Senate with further discussion of it, relying upon that faith and that conviction.

I wish, however, Mr. President, to have inserted in the RECORD as part of my remarks some letters and telegrams and communications which I have had upon this subject by way of strengthening the arguments which the conferees of the Senate and of the House will have before them when this matter is considered, should it be agreed to in the Senate. I ask to have this material inserted without reading.

The PRESIDING OFFICER. Without objection, it will be so ordered.

Mr. FLETCHER. I do not for one moment think of consenting to this proposed amendment, and I strongly object to it upon the grounds which are set forth in the communications and telegrams which I submit, and for the reasons which I have briefly outlined.

The matter referred to is as follows:

HON. DUNCAN U. FLETCHER,  
United States Senator, Washington, D. C.  
TAMPA, FLA., August 24, 1916.

DEAR SIR: We have noticed with interest the amendment to section 58 of the revenue bill, as reported by the Senate committee, tending to facilitate the transportation of cigars by mail or parcel post direct from the Cuban manufacturers to the consumers in the United States, and we feel that this measure, if successful of passage, would be a direct blow at the Clear Havana cigar industry in the United States. With the importation of foreign cigars especially from Porto Rico and other countries which heretofore had no market in this country, it became necessary to revive the Clear Havana cigar industry in this country, and to that end the law authorizing the manufacture of cigars in bond was principally directed. We, as well as the vast majority of the Clear Havana cigar manufacturers of this country have at a great expense complied with the provisions of that law and are now manufacturing cigars in bond, and we feel that the passage of such an amendment would cause serious loss to the cigar industry of this country, besides accomplishing no good to the citizens thereof. We feel that the protection of home industry is paramount to the creating of benefits to foreign countries, and we believe that you will realize this and defeat the proposed amendment.

Assuring you of our appreciation of any efforts that you may make in our behalf, we beg to remain,  
Very truly yours,

SAN MARTIN & LEON Co.,  
By CARABATH & SUTTON,  
Attorneys.

TAMPA, FLA., August 24, 1916.

Senator DUNCAN U. FLETCHER,  
Washington, D. C.

DEAR SIR: We wired you last night as per inclosed copy. There is no doubt in our mind but that, if section 58 of the revenue bill, as reported by Senate Finance Committee, is made a law, embodying the amendment that would tend to facilitate direct mail-order business between manufacturers of cigars in Cuba and consumers in the United States, the whole cigar industry of this country would suffer greatly. This would not only affect manufacturers but would be felt by jobbers and dealers alike.

The Clear Havana industry is the backbone of Tampa, and we feel sure you will bend every effort in behalf of the interest of the manufacturers and your people at large.

Yours, truly,

CUESTA, REY & Co.

TAMPA, FLA., August 25, 1916.

Senator D. U. FLETCHER,  
Washington, D. C.:

We urgently call your attention to section 58 of revenue bill reported by Senate Finance Committee and wish to emphatically protest the amendment therein that would tend to facilitate direct mail-order business between cigar manufacturers in Cuba and consumers in the United States. We consider such legislation would greatly injure the Havana cigar industry that we, among others, have established in this country, and consequently rely on you now as in the past, using best efforts for our protection and having the injurious clause eliminated.

CORRAL WODISKA Y CA.

TAMPA, FLA., August 25.

Senator DUNCAN U. FLETCHER,  
Washington, D. C.:

Please give your attention section 58 revenue bill, as reported by Senate Finance Committee. We protest emphatically against that section which would tend to allow Cuban manufacturers to do a mail-order business in cigars with consumers in the United States. Such legisla-

tion will curtail and severely hurt the great Havana cigar industry established in this city. Please use your efforts for the protection of our manufacturers, which means, of course, our city.

TAMPA BOARD OF TRADE.  
JACKSONVILLE, FLA., August 23, 1916.

HON. DUNCAN U. FLETCHER,  
Washington, D. C.:

We beg your distinguished consideration and earnest efforts to defeat section 58 of the revenue bill, as reported by the Senate Committee on Finance, which contains an amendment tending to facilitate the transportation of cigars by mail or parcel post direct from the Cuban manufacturer to the consumer in the United States. In our judgment this would be seriously detrimental and demoralizing to home industry. It would eliminate the middleman and create unfair competition against United States manufacturers. As large taxpayers of customs duties and internal revenue, we protest this measure and trust you will steadfastly oppose it.

GONZALES & SANCHEZ CO.

NEW YORK, N. Y., August 16, 1916.

Senator DUNCAN U. FLETCHER,  
Washington, D. C.:

Manufacturers of Florida will appreciate your opposition to bill reducing quantity of imported cigars to less than 3,000. If small number of cigars can be imported, it will work great harm to our business.

M. W. BERRIMAN.

TAMPA, FLA., August 23, 1916.

Senator DUNCAN U. FLETCHER,  
United States Senate, Washington, D. C.:

We urgently call to your attention section 58 of the revenue bill reported by the Senate Finance Committee, and wish to emphatically protest against the amendment therein that would tend to facilitate direct mail-order business between manufacturers of cigars in Cuba and consumers in the United States. We consider such legislation would greatly injure the Havana cigar industry that we, among others, have established in this country, and consequently rely on you now, as in the past, using your best efforts for our protection and having the injurious clause eliminated.

CUESTA REY & Co.

TAMPA, FLA., August 23, 1916.

Senator D. U. FLETCHER,  
United States Senate, Washington, D. C.:

We are deeply concerned in the enactment of section 58 of the revenue bill reported by the Senate Finance Committee. Same permitting of shipment of cigars through the mails direct from the manufacturers in Cuba to the consumer in the United States. Its passage would permanently injure a great industry in this country that we, among others, have established, and we feel that we are entitled to protection and are fully justified in the belief that you will use every effort to defeat this provision.

JOSE ESCALANTE & Co.,  
Members of the Clear Havana Cigar Manufacturers Association.

NEW YORK, August 22, 1916.

HON. DUNCAN U. FLETCHER,  
United States Senator, United States Senate, Washington, D. C.

DEAR SENATOR FLETCHER:

Pardon me for taking the liberty of addressing you now in regard to a particular provision of the revenue bill now pending in the Senate, which, although perhaps perfectly harmless on its face, may nevertheless have a wide and far-reaching effect upon the cigar industry in this country and particularly the cigar industry in the State of Florida, and may also lead to incalculable injury, not only to the cigar-manufacturing industry, but to the importing and the retail branches of the industry as well.

I refer to section 58 of the bill as reported by the Senate committee, which section contains amendments to sections 2804 and 3402 of the Revised Statutes.

We do not know at whose solicitation or upon whose request this amendment has been inserted in the bill. It appears that the same provisions were embodied in a bill recently introduced in the Senate by Senator RANSDELL, of Louisiana, that said bill was referred to the Committee on Finance, and we now find these new provisions in the revenue bill as reported by the committee under section 58.

By the proposed amendment the existing statute was changed by eliminating the minimum quantity of cigars that may be imported, which is 3,000, so that under the proposed act cigars may be imported in any quantity and by inserting a new provision tending to facilitate the importation of cigars by mail or parcel post, thus opening up the parcel post and post-office channels of distribution for cigar manufacturers in Cuba.

As already stated, we do not know at whose solicitation or upon whose request the Committee on Finance has undertaken to facilitate the opening up of a mail-order business for Cuban cigars. Surely no American cigar manufacturer could have made such suggestion and certainly no importer or retailer of imported cigars could have asked the Government of the United States to place its Post Office Department and its parcel-post machinery at the disposal of cigar manufacturers in a foreign country to the end that American importers and American retailers might be driven out of business.

We respectfully submit that the proposed amendment is indefensible; it can not possibly result in any good to the country, but on the contrary, it may lead to the extermination of American cigar importers, besides that it may work incalculable injury to the thousands of retailers, clubs, drug stores, and hotel stands selling imported cigars.

Moreover, opening up the post office and parcel post avenues for the transportation of Cuban cigars direct from the manufacturer to the consumer and you will at the same time provide unlimited facilities for defrauding the American consumer, for surely there will soon spring into existence in Cuba a great many unscrupulous manufacturers producing cheap grades of cigars and advertising them in this country as the real Cuban article, whereas, as a matter of fact, the consumer would be getting a cheap article such as he can buy in American stores at a nickel or so on, for which he would pay a fancy price because it is a cigar made in Cuba and known as a Cuban cigar.

Such law would be particularly hurtful to the cigar industry in Florida, because the Florida cigars, as you well know, are next in



quality and type to Cuban-made cigars, and such competition on the part of Cuban manufacturers by the mail-order system will undoubtedly hurt the Florida cigar industry to a serious extent.

We appeal to you, therefore, that you oppose the amendment referred to and that you take such steps as you may deem advisable to secure the elimination of that amendment from the revenue bill.

Thanking you in advance and assuring you of our highest appreciation of whatever you may do in the interest of the American cigar industry, we are,

Respectfully, yours,  
TOBACCO MERCHANTS' ASSOCIATION OF THE UNITED STATES,  
By CHAS. DUSKIND, Secretary.

A PROTEST AGAINST SECTION 58 OF THE OMNIBUS REVENUE BILL, PROVIDING FOR THE INDISCRIMINATE SHIPMENT INTO THE UNITED STATES OF FOREIGN CIGARS, CIGARETTES, AND CHEROOTS BY PARCEL POST.

[Joseph F. Cullman, Jr., New York, president; W. J. Lukaswitz, Dayton, Ohio, vice president; George M. Berger, Cincinnati, Ohio, treasurer; Joseph Mendelsohn, secretary, 196 Water Street, New York.]

THE NATIONAL CIGAR LEAF TOBACCO ASSOCIATION,  
New York, August 16, 1916.

Hon. F. M. SIMMONS,  
Chairman Senate Finance Committee, Washington, D. C.

SIR: Protesting on behalf of the National Cigar Leaf Tobacco Association against the enactment of the provision of the omnibus revenue bill (sec. 58, p. 106, of the bill as reported to the Senate) permitting the importation of cigars by parcel post in any quantity up to 500, instead of in packages of not less than 3,000, as required by existing law, we desire most earnestly to call your attention to the following considerations:

The existing statute prescribing that cigars, cigarettes, and cheroots shall not be imported into the United States in packages of less than 3,000 each is most salutary and has been a very efficient safeguard to the revenues. The limitation results in the importation of these goods in recognized commercial quantities which are entered at ports where they can be examined by experts in tobacco values, which are the most difficult to ascertain of any that are embraced in the tariff law. Inasmuch as cigars pay a compound duty of \$4.50 per pound and 25 per cent ad valorem, less the reciprocity deduction of 20 per cent in the case of Cuban goods, it follows that, as to the average Cuban cigar, the ad valorem duty is likely to amount to about \$20 per thousand, the exact appraisement depending upon the up-to-date technical knowledge of Habana cigars possessed by the examiner. The importance, therefore, of the examination of imported cigars at the leading ports of entry, where expert examiners are stationed, is clearly apparent and is a consideration of vast consequence to the national revenues, to say nothing of the interest of the domestic manufacturer and his employees in the prevention of undervaluation.

The amendment embodied in section 58 of the revenue bill specifically permits the importation of cigars, cigarettes, and cheroots in any quantity up to 500 and prescribes the manner in which they may be shipped into the United States by parcel post, exempting them from the requirement that they shall be placed in public store or bonded warehouse for inspection and stamping and enabling them to be entered at any one of no less than 24 ports of entry, at very few of which the Treasury Department maintains examiners with any expert knowledge concerning cigars or tobacco. The danger to the revenues of such an innovation can hardly be exaggerated.

The object of this amendment is well known to the entire cigar trade of the United States, being the basis of a movement set on foot more than three years ago in the island of Cuba by the Habana cigar manufacturers to force an entry into the cigar market of the United States through the adoption of mail-order methods. An attempt by the Postmaster General of the United States to negotiate a parcel-post treaty with Cuba was met by the Cuban Government with a demand that the customs laws of the United States regarding the size of packages of cigars, cigarettes, and cheroots admissible to importation should be amended so as to permit the indiscriminate shipment by mail of these products to all parts of the United States. The officials of the Post Office Department, doubtless not being advised as to the effect of such an amendment, recommended it to the Ways and Means Committee and also secured the cooperation of the Treasury Department, the officials of which appear to have yielded to the representations made by the Postmaster General concerning the desirability of negotiating a parcel-post treaty. The committee, however, did not act upon the bill.

It will be noted, therefore, that section 58 is simply and solely a valuable concession to the Cuban cigar manufacturers at the expense of the revenues of the United States and of the welfare of that branch of the American cigar industry engaged in making high-grade cigars from Cuban leaf tobacco, a branch that employs the most highly paid class of labor and affords employment which it is the ambition of every American cigar maker to obtain. This concession is sought by the Cuban manufacturer at a time when he is already enjoying a reduction of 20 per cent in the rates of the United States tariff on cigars pursuant to the reciprocity arrangement of December 17, 1903. Under this reciprocity treaty the people of Cuba have already received, practically as a free gift from the United States Treasury, \$167,046,000 up to July 1, 1916, a huge sum taken out of the Treasury in the name of a one-sided reciprocal trade arrangement that has been of vastly greater value to Cuba than to the United States.

We would especially emphasize the condition of the clear Habana branch of the American cigar industry at the present time. This division of our trade has been subjected to every conceivable disturbing influence during the past 18 years and for an even longer period it has been injuriously influenced by the differential rates of duty on leaf tobacco, which, as construed by the courts, make it impossible for a manufacturer who imports his tobacco to figure in advance what he will pay in duties, and frequently compels him to pay the full wrapper rate of \$1.85 per pound less 20 per cent on whole bales of leaf, which the Government examiners admit contain but 16 or 17 per cent of wrappers, the remainder being fillers doubtless, according to the letter of the statute, at 35 cents per pound less 20 per cent. The agitation for the free admission of Philippine tobacco products also affected the clear Habana trade adversely, and numerous commercial developments have served to stunt its growth. As a result of the combination of detrimental influences affecting this trade the volume of its output has declined during the past few years fully 60 per cent, and we do not hesitate to predict that if section 58 of the omnibus revenue bill is enacted into law the remnant of the clear Habana industry will disappear within a very short time.

We are confident that with the facts herein stated before you, you will feel it to be your duty to eliminate the section referred to from the pending measure.

Very respectfully,

CHAS. FOX,  
Chairman Legislative Committee.  
W. L. CROUNSE,  
Washington Representative National  
Cigar Leaf Tobacco Association.

Mr. SWANSON. Mr. President, I fully concur with what the Senator from Florida [Mr. FLETCHER] has so ably and clearly stated. This amendment ought not to stay in the bill. It is simply an effort to create a business in Cuba by parcel post to the detriment of cigar making in this country; and this is not the proper place for this matter to be discussed. As it is a postal matter, it ought to go to the Post Office Committee, anyway.

I hope the committee will consent to let this amendment go out. There is no way of estimating the tax. There is no way of making any classification of the cigars when they come in. There is a liability to fraud, and I do hope the committee will consent to let this go out.

Mr. THOMAS. Mr. President, the only interest I have in this amendment is the duty which has been imposed upon me by the committee to present the subject for the consideration of the Senate. Before doing so I wish to protest against what seems to be the occasional method of discussion in this body with regard to what the House committee of conference may do concerning the amendments of the Senate.

Mr. President, it is our duty to legislate according to the best of our information and judgment for the common benefit of the country, and this without regard to what may be the ultimate decision of a committee of conference between the two Houses. If we are to be deterred in considering legislation, whether important or not, from taking such action as in our judgment should be taken because those who are to compose the House committee of conference have seen fit to express in advance their determination as to what their action as conference committeemen will be, then it were better that we accept House legislation as it comes to us, whether we approve of it or not, upon the assumption that it is the best that we can obtain, and that the exercise of our own judgment with regard to amendments will be without avail.

Mr. President, I think the Members of the House have no more right to express themselves in this way regarding proposed legislation by this body than Members of the Senate have to express themselves with regard to the action of the House of Representatives regarding legislation proposed there.

Mr. FLETCHER. Will the Senator allow me to interrupt him?

Mr. THOMAS. Certainly.

Mr. FLETCHER. The Senator evidently misunderstood my comment. I said that this proposal had been made to the House committee when the bill was being considered there and was rejected by the House committee, and I have a notion that they will continue in that opposition. I have not made a reference to any discussion of the matter since the bill was passed by the House.

Mr. THOMAS. I had not the Senator from Florida in mind so much as I have some other expressions not made upon the floor in regard to the same subject and evidently based upon first-hand information affecting other amendments, not the one which is now under consideration. My remark, therefore, was general and in no sense a reflection upon the expression of the Senator from Florida. The statement which he made, however, emphasized it to my mind to such an extent that I determined to take this occasion to refer to it.

The amendment proposed was asked by the Department of the Treasury and by the Post Office Department. They have for some years been endeavoring to effect this legislation, and they have communicated their desire in correspondence to the committees which, perhaps, express or contain the reasons for the desired legislation as concisely, and certainly as clearly, as I could by any expression of my own. I therefore, with the permission of the Chair, will read the correspondence relating to this subject. I will not read the letters in chronological order because I do not think it necessary for a clear understanding of their substance.

The first letter is dated July 11, 1916, from the Postmaster General to Hon. F. M. SIMMONS, chairman of the Committee on Finance:

JULY 11, 1916.

Hon. F. M. SIMMONS,  
Chairman Committee on Finance,  
United States Senate.

MY DEAR SENATOR SIMMONS: The Treasury Department and this department have united in recommending the amendment of sections 2804 and 3402 of the Revised Statutes as indicated in my letter of the 21st of September, 1914, addressed to Hon. OSCAR W. UNDERWOOD, then chairman of the Committee on Ways and Means, a copy of which was handed to you on the 5th instant by the superintendent of foreign mails.



I am deeply interested in the proposed legislation, for the reasons set forth in my letter above mentioned, and would be pleased if it could be accomplished by the insertion of appropriate sections in the general revenue bill now pending, early action being desired in order to remove what is believed to be the only obstruction to the conclusion of a parcel-post convention with Cuba, which would be an important factor in the promotion of our foreign trade.

Yours, very truly,

A. S. BURLISON,  
Postmaster General.

SEPTEMBER 21, 1914.

Hon. OSCAR W. UNDERWOOD,  
Chairman Committee on Ways and Means,  
House of Representatives.

MY DEAR MR. UNDERWOOD: In furtherance of previous representations made by the joint letter of the Secretary of the Treasury and the Postmaster General of February 24, 1913, and of my letter of September 11, 1914, I hand you herewith drafts of suggested legislation for the amendment of Revised Statutes, sections 2804 and 3402. Revised Statutes, section 2804, limits the importation of cigars to a quantity of 3,000 in a single package. The provision as it now stands reads as follows:

"SEC. 2804. No cigars shall be imported unless the same are packed in boxes of not more than 500 cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than 3,000 in a single package; and all cigars on importation shall be placed in public-store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, and also a serial number, to be recorded in the customhouse. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps and to make all necessary regulations for carrying the above provisions of law into effect."

The effect of the suggested amendment is to eliminate therefrom the limitation of 3,000 cigars in a single package and to do away with the necessity of a serial number of the stamps affixed to imported cigars, etc., being recorded in the customhouse.

Revised Statutes, section 3402, as it now stands reads as follows:

"SEC. 3402. All cigars imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars while they are in the custody of the proper customhouse officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this title prescribed for manufacture of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States for the purpose of affixing and cancelling such stamps the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto shall be deemed guilty of a misdemeanor and shall be fined not less than \$1,000 nor more than \$5,000 and imprisoned not less than six months nor more than three years."

The effect of the proposed amendment is the addition to the law as it now stands of a proviso which will permit internal-revenue stamps to be affixed by customs officers or post-office officials authorized to deliver packages.

The purpose of this suggested legislation is to remove the restrictive limitations in the law as it now stands which prevent the negotiation of a parcel-post convention with Cuba, because the weight of a package of 3,000 cigars exceeds the weight limit prescribed by parcel-post conventions which are negotiated by this country with foreign countries, and therefore could not be imported into this country under the terms of such convention. For this reason the Cuban administration will not favorably consider further negotiations. With this limitation removed it is believed that there are no further obstacles to the negotiations to such convention, which would open the Cuban market to our merchants to the great advantage of our export trade. The amendment to section 3402 consists in the addition of the proviso which facilitates the delivery of the articles. These amendments have received the approval of the Treasury Department as well as this department, and it is hoped that early action may be obtained.

Yours, very truly,

A. S. BURLISON,  
Postmaster General.

The next letter is from the Treasury Department, dated August 18, 1916, to the chairman of the Committee on Finance, and is as follows:

The CHAIRMAN COMMITTEE ON FINANCE,  
United States Senate.

AUGUST 18, 1916.

SIR: I have the honor to refer to Senate bill No. 6825, "A bill to amend sections 2804 and 3402 of the Revised Statutes," which was introduced under date of the 10th instant and referred to your committee.

The purport of this bill is to repeal that portion of the said section 2804 which provides that "no entry of any imported cigars shall be allowed of less quantity than 3,000 in a single package," and to make provision for the inspection by customs officers of cigars, cheroots, and cigarettes imported by mail or parcel post, and the affixing of the necessary customs-inspection and internal-revenue stamps thereof without placing them in public store or in a designated bonded warehouse to remain until inspected, weighed, and stamped, as now required, and to amend the said section 3402 so as to make the law applicable to cheroots and cigarettes as well as cigars, with some other slight changes.

The department has previously urged the passage of similar bills heretofore introduced in Congress. As the matter now stands, the importation of cigars by parcel post or otherwise in the mails is absolutely prohibited, as the limit of weight of parcel-post packages is 11 pounds, and 3,000 cigars will in every case weigh more than 11 pounds. Because of this restriction importers of all cigars arriving in the mails are subject to a fine.

For the above reasons I desire again to urge the passage of the bill, as, in the opinion of this department, if this bill becomes a law the

revenue will be as fully protected as is now the case, and importers will not be subject to the annoyance now experienced or the odium which the imposing of a fine casts upon those not familiar with the restriction which the law fixes upon imported cigars, etc.

Respectfully,

WM. P. MALBURN,  
Acting Secretary.

It will be seen, Mr. President, that the purpose of this amendment is not to increase revenue, but to remove an obstacle, and what appears to be the only obstacle to the negotiation of a parcel-post convention between the United States and the Republic of Cuba. I know of nothing that will facilitate reciprocal foreign trade to any greater degree than the extension of the mutual conveniences of the parcel-post conveyance between two given nations. To my mind that purpose outweighs, even if they exist, such apprehended consequences of competition as always accompany the enactment of a law that even seemingly enlarges trade.

My information is that the effect of this measure would not be to enlarge the foreign trade in cigars so much as to change the method of their importation to this country. A great many articles are imported to America from countries with which we have parcel-post conventions, and they are received under the provisions of section 644 of the postal regulations at what are known as post-office receiving exchanges. There the duties are collected without any difficulty whatever and the packages are then transmitted to the respective places of destination.

This change would therefore in no sense increase the difficulties or burden the method of collecting the revenue. The only possible effect of it, it seems to me, would be to enable packages in smaller quantities than are now sent to this country to pass through the mails and be received at the exchange post offices. It would therefore tend to reduce what might be called the wholesale business from Cuba by substituting for it a retail business and at the same time open the facilities for trade with the Republic of Cuba to all other branches of industry and of commerce.

Mr. BRYAN. Mr. President—

Mr. THOMAS. I yield to the Senator from Florida.

Mr. BRYAN. I ask the Senator where under this provision the examination is to take place.

Mr. THOMAS. I am told that the examinations are made of all goods which come by parcel post from other countries at the post-office exchanges where there are representatives and officials of the Treasury Department, and whose duty it is to make the examinations.

Mr. BRYAN. The Senator realizes, does he not, that the examination requires experts?

Mr. THOMAS. I certainly do. I do not realize it to the extent the Senator does, because my State is not in a tobacco-producing section.

Mr. BRYAN. My State is very largely interested, and I would dislike very much to see this provision go in the bill, in view of the Senator's acknowledgment that it has nothing whatever to do with the raising of revenue, but is simply placing in the revenue bill a provision to aid in postal conventions. That is all there is to it. It has nothing whatever to do with revenue legislation and has no business in this bill.

Mr. THOMAS. There are a good many things in this bill that do not affect the revenue. Revenue bills in Congress, especially in modern times, are of an omnibus character and embrace many things which at first sight, perhaps, are opposed to each other. I am given to understand—my information may be incorrect, it comes from the Post Office Department—that at all the so-called receiving exchange post offices there are men thoroughly competent as experts to pass upon the quality as well of cigars and tobacco as all other things which are received from other countries with which we have conventions, and I therefore see no difficulty whatever which would arise from the suggestion made by the Senator from Florida.

But, as I said before the Senator came in, I have personally no interest in the subject whatever. I have been designated to present it for the consideration of the Senate and to give the reasons which prompted these two departments in asking for the adoption of the amendment. To my mind their reasons seemed to be conclusive. I believe that this Nation ought to be big enough and broad enough in the attempt to establish facilities for the carrying on of foreign trade to look to the main proposition, which can only be reached as other main propositions by doing a little damage here and there. My impression is, and it is my experience, that in all these cases the apprehended dangers and the actual evils which arise from legislation of this sort are in the proportion of about 99 to 1.

Mr. SMOOT. Mr. President, I think this is a very unwise provision and entirely out of place upon a revenue bill. I have received protests against this provision from every State in the

Union. I am not going to take the time to go into the details of a discussion of this subject, but I do want to call attention to a few of the objections raised by the extensive correspondence I have had in relation to the provision.

First, I wish to call attention to a letter from the Tobacco Merchants' Association of the United States, representing the tobacco merchants of this country, and in reading a portion of this letter I do so simply as a sample of other protests from other parties against this proposed amendment:

By the proposed amendment the existing statute is changed by eliminating the minimum quantity of cigars that may be imported, which is 3,000, so that under the proposed act cigars may be imported in any quantity; and it also contains a new provision tending to facilitate the importation of cigars by mail or parcel post, thus opening up the parcel-post and post-office channels of distribution for cigars manufactured in Cuba.

The customs duties required to be paid on imported Cuban cigars will not afford sufficient protection if the Cuban cigar manufacturer should be able to send a single box of cigars direct to the consumer by mail or parcel post. Such facilities will, no doubt, soon lead to the production of a cheap grade of cigars in Cuba and advertising them in the United States as the real Cuban article delivered direct to the consumer by mail or parcel post, duty paid, at inviting prices, with the result that the consumer would not only be deceived and misled by paying fancy prices for a cheap grade of cigars upon the strength of being "Cuban cigars," but you can readily see the injurious effect that such practice will have upon the American cigar industry, as well as upon the American farmers raising high-grade tobacco to compete with Cuban cigars.

The proposed provision is, indeed, indefensible. There can be no excuse for our Government placing its postal and parcel-post machinery at the disposal of manufacturers in foreign countries to come here and compete with our own industries.

Under this provision, Mr. President, a Cuban dealer in cigars may send to this country a single box of cigars to any purchaser in the United States. It comes to the purchaser through parcel post through the collector of customs at the city or the district to which the cigars are shipped.

Mr. THOMAS. Oh, no; Mr. President, the revenues are collected at the receiving-exchange post offices, of which there are only very few in the United States, and then the packages are forwarded to their place of destination.

Mr. SMOOT. In other words, it would be very much easier for the Cuban manufacturer, if that is the case, than if it had to go to the district and be examined and appraised by the collector of customs.

Mr. THOMAS. It may be easier, but the fact is that all parcels containing dutiable goods coming to this country by parcel post from other nations are sent to what are called receiving exchange post offices.

Mr. SMOOT. I think the Senator is mistaken.

Mr. THOMAS. That is the information which the Post Office authorities give me, and they refer to section 644 of the regulations. There the duty is collected, and then the goods continue on their journey to the destination. I think it ought to be so, because it is much simpler and much cheaper.

Mr. SMOOT. I know goods shipped from England and France by parcel post to parties in Salt Lake City, I will say, and the party to whom the goods are shipped pays the duty, and the valuation of the goods is placed upon them by the collector of the port in charge. I know that that happens very often. But if by this provision Cuban cigars will be shipped to a receiving-exchange post office and a valuation of the cigars made there and duty collected, the purchaser would have to send the amount of duty upon the cigars to the receiving-exchange post office before the package could be forwarded to him under the provisions of this amendment.

Mr. THOMAS. Not under the provisions of the amendment, but under the collection of revenue as is provided by section 644.

Mr. SMOOT. As far as the result is concerned, it would make no difference whether the duty is collected by the surveyor of the port to which the cigars are to be sent or whether it is collected at the receiving-exchange post office at which the cigars are received.

Mr. President, it does seem to me that the American merchants, those who pay the taxes and bear the burden of the Government, who help maintain all the institutions of our country, ought not to be put in competition with foreign manufacturers of cigars who do not have these obligations to meet. I believe it is an injustice and it should not be done.

I hope, Mr. President, the amendment will be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was continued to the end of section 62, page 110.

Mr. SIMMONS. I ask unanimous consent to temporarily lay aside the unfinished business in order that the Senator from Nevada [Mr. NEWLANDS] may submit a report.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection? The Chair hears none.

Mr. SIMMONS. I will make the suggestion of no quorum. The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smith, S. C.
Bankhead	Husting	Pheelan	Smoot
Brady	Jones	Pittman	Sterling
Brandeggee	Kenyon	Pomerene	Stone
Bryan	La Follette	Ransdell	Swanson
Chilton	Lane	Reed	Taggart
Clapp	Lea, Tenn.	Robinson	Thomas
Clarke, Ark.	Lee, Md.	Saulsbury	Thompson
Colt	Lewis	Shafroth	Underwood
Cummins	McCumber	Sheppard	Wadsworth
Curtis	McLean	Shields	Walsh
Dillingham	Martin, Va.	Simmons	Warren
Fletcher	Nelson	Smith, Ariz.	Weeks
Gallinger	Newlands	Smith, Ga.	Williams
Gronna	Norris	Smith, Md.	

The PRESIDENT pro tempore. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

#### PROPOSED RAILROAD LEGISLATION.

Mr. NEWLANDS. Mr. President, I report favorably from the Committee on Interstate Commerce the bill (S. 6981) to establish the eight-hour standard workday in interstate transportation, and for other purposes. I ask for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent for the present consideration of the bill which has been reported by him from the Committee on Interstate Commerce. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. NEWLANDS. Mr. President, I suggest now that the Secretary read the bill.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill (S. 6981) to establish the eight-hour standard workday in interstate transportation, and for other purposes, as follows:

*Be it enacted, etc.,* That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in the operation of trains used for the transportation of persons or property on railroads from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The provisions of this act shall not apply to electric street railways or electric interurban railways.

SEC. 2. That the President shall appoint a commission of three, to be known as the eight-hour day commission, which shall observe the administrative and financial effects of the institution of the eight-hour standard workday as above defined during a period of not less than six nor more than eight months, in the discretion of the commission, and within 30 days thereafter shall report its findings to the President and to Congress.

SEC. 3. That, pending the report of the eight-hour day commission, as above provided, and for a period of 90 days thereafter, the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all services in excess of eight hours such employees shall receive not less than the pro rata proportion of the compensation received for the standard eight-hour workday.

Any carrier violating this provision shall be liable to a penalty of not less than \$100 and not exceeding \$1,000 in respect to each employee whose compensation is affected by such violation, which penalty shall accrue to the United States, and may be recovered in a civil action brought by the United States.

Any person who shall willfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

SEC. 4. That the eight hour day commission shall organize and select its own chairman and make all necessary rules for conducting its work. It shall have authority to employ and fix the compensation of such employees, to rent such offices, and to purchase such books, stationery, and other supplies as shall be necessary to carry out the purposes for which the commission was created. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the commission may adjourn for its deliberations.

The commission is authorized, as a whole or by subcommittee duly appointed, to hold sittings and public hearings anywhere in the United States; and all testimony before the commission shall be on oath or affirmation. Witnesses shall be paid the same witness fees and mileage as witnesses in courts of the United States.

For the purposes of this act the eight hour day commission, or any member thereof, shall have power to administer oaths, sign subpoenas, require the attendance and testimony of witnesses and the



production of such books, papers, contracts, agreements, and documents as may be material to a just determination of the matters under investigation by it; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as are provided for in the act to regulate commerce approved February 4, 1887, and the amendments thereto.

A majority of the commission shall constitute a quorum for the transaction of business; and if the commission shall be divided in opinion, the findings of the majority upon any point shall be deemed the findings of the commission.

Sec. 5. That the members of the eight hour day commission shall be paid actual traveling and other necessary expenses, and in addition a compensation of \$25 per diem, payable monthly, while actually engaged in the work of the commission and while going to and returning from such work. The sum of \$50,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available on the requisition of the President, and to continue available until the close of the fiscal year ending June 30, 1917, or until the said commission shall have sooner completed its work, for the payment of the necessary and proper expenses incurred as hereinbefore authorized, including per diem of the commissioners, witness fees and mileage, rent, furniture, office fixtures and supplies, books, salaries of employees, and traveling and other necessary expenses of members or employees of the eight hour day commission, to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

Sec. 6. That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

The PRESIDENT pro tempore. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. NEWLANDS. Mr. President, the Senate is aware of the emergency which has called for this legislation. It is therefore unnecessary for me to enlarge upon it. The President of the United States, in a recent message, requested the action of Congress upon these subjects: "First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission along the lines embodied in the bill recently passed by the House of Representatives," and which has been favorably reported in the Senate. I have to say that the Committee on Interstate Commerce became informed that there would be a contention regarding the provisions of the bill—a very earnest and serious contention—as to what the form of reorganization should be and as to what the form of the division into branches or subdivisions might be; that the bill would take a great length of time for discussion; and that therefore it would be impracticable to bring that measure up at this time or to make it the means, as I originally proposed, of putting upon it the amendments which are necessary to meet this exigency. So the committee has concluded at this moment not to press the consideration of the bill for the enlargement and subdivision of the Interstate Commerce Commission.

The second recommendation of the President was "the establishment of an eight-hour day as the legal basis alike of work and of wages." That recommendation we have endeavored to meet in the measure which has been now reported.

The third recommendation of the President was "the authorization of the appointment by the President of a small body of men to observe the actual operation of our legislation regarding the eight-hour day, and to report to the President and to Congress. We have endeavored to comply in the bill reported with this recommendation.

The fourth recommendation of the President was "explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads" that may be required by reason of the introduction of the eight-hour system. With reference to that the committee has not acted, the committee being of the opinion that the Interstate Commerce Commission has the power to regulate rates and to fix reasonable rates, and that included in that power is the power unquestionably to consider the wages paid by the corporations in connection with other operating expenses, such considerations ranking side by side with other considerations as to capital invested, as to the value of the roads, and other features; and that therefore it was unnecessary to embody this recommendation in the proposed law; that it would be the duty of the Interstate Commerce Commission to take up the new facts in connection with all other considerations that relate to the establishment of reasonable rates.

Fifth, the President recommended an amendment of the existing Federal statute for mediation and arbitration. A measure was prepared and was partially considered by the committee on this subject. That measure provided that where mediation and conciliation failed and where arbitration under the mediation act failed, there should be a governmental inquiry by a governmental commission appointed for the purpose of investigating the conditions of any controversy regarding wages; that that commission should report the facts, and that during the consideration of the subject by the commission the parties should be prevented by law from resorting, by combination and concert of action, either to the lockout or the strike. This was a very important measure, requiring much discussion, and it is apparent that we can not report that measure to-day. Whether or not it will be reported in the future remains for the determination of the committee. Individually I favor strongly this legislation.

Another, and sixth recommendation was—

The lodgment in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

A measure was drawn up upon the lines of this recommendation and was partially considered by the committee, but was laid aside for further consideration. Whether or not whilst this legislation is pending an amendment can be offered upon that subject remains for the committee to determine. It was also suggested in the committee, as my friend from Illinois [Mr. Lewis] reminds me, that that was probably, partially at least, covered in the recent military bill.

Now, Mr. President, in addition to these recommendations, the committee has acted upon other subjects. It has provided in section 3 that—

Any person who shall willfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

I believe, Mr. President, that that is a most valuable provision. It is certainly violative of every principle of justice and of law that anyone should be permitted, either by organization or otherwise, to delay, obstruct, or hinder the operation of trains engaged in interstate commerce. With reference to the strikes of the railway organizations, I am aware that their contention is that all they resort to is the power, which they unquestionably have, of giving up their employment. But we all know that there are scenes of great disorder connected with every strike, that on such occasions the disorderly elements of the community, particularly in the large cities, are let loose, and abundant opportunity is offered for violation of the law, not necessarily by members of the brotherhoods, but by criminal and disorderly people, who seize the opportunity for destruction and violation of the public peace in conditions of commotion.

The other subject, which was not treated in the President's message, is this—

Mr. CUMMINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. If the Senator will permit me, I should like to conclude what I have to say.

Mr. CUMMINS. I desire to ask a question with regard to the matter just considered by the Senator, if it will not interrupt him.

Mr. NEWLANDS. If the Senator will permit me to close my statement, I will be through in a few moments, and then will be glad to answer any question he may wish to propound.

Mr. CUMMINS. Very well; I shall not insist.

Mr. NEWLANDS. The other provision to which I refer, not included in the President's message, is the provision—

Sec. 6. That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

With reference to that provision, I have to say that that power can not be exercised by the commission until after the period prescribed by this bill for the operation of the eight-

hour law, and therefore does not interfere at all with that period of some months during which this experiment of action and of observation will be made. After that time it will be the duty of the Interstate Commerce Commission to fix the hours of labor and the rate of wages, either in whole or in part on its own initiative or on the petition of the employees, the managers of the railroads, or the public.

With reference to that, I have to say that to-day the wages are practically fixed by the executive officers of the companies. Of course, outside of that, there is the right of contract between the parties. Your committee was of the opinion that these corporations are quasi public corporations; that they are in the public service; and that it is the right of Congress, and its duty, to see to it that all the humanities are exercised with reference to the regulation of hours of labor and the wages of labor by these great public servants, and that this matter should not be longer the subject, on the one hand, of the greed of railway managers eager for profits, nor, on the other hand, the subject of the mere ipse dixit of organizations of employees, who, in a moment of time, can, by concert of action under present conditions, tie up the entire commerce of the country and inflict upon the innocent untold misery and suffering and distress. Your committee felt that something is required upon this subject; that the future should be guarded, and that now is the time to guard the future instead of waiting for a later time, when a period of apathy and inertia might come; that now, when men are thinking, thinking earnestly, thinking deeply, and their minds are working upon a great social question involving social justice, is the time for action upon so important a question, involving the humanities of our social system.

Now, Mr. President, I shall be very glad to answer any question put to me by the Senator from Iowa.

Mr. CUMMINS. Mr. President, the question I rose to propound is this: Does the section which the Senator from Nevada read, and which relates to penalties for willfully obstructing or hindering the movement of trains, apply simply to physical hindrance or obstruction, or will it be construed to impose the penalty there provided upon an employee who refuses to move the train or the engine which theretofore he had been accustomed to run?

Mr. NEWLANDS. The latter aspect to which the Senator refers did not, according to my recollection, come up for consideration or discussion in the committee.

Mr. CUMMINS. I have no opinion about it, and I am asking purely for information. I did not know but that the Senator from Nevada had considered that phase of the subject.

Mr. NEWLANDS. I know what was in my own mind in reference to this matter, and that was to keep open the arteries of commerce and not to permit anyone willfully to obstruct them.

Mr. CUMMINS. The motive is very good, of course; but the Senator from Nevada will recognize that there are certain rules of law which might prevent imposing those penalties upon an operative who simply refused to work in his employment.

Mr. NEWLANDS. I will say that when I voted for the provision I did not have in contemplation to in any way affect the sacred right of every man to give up any employment in which he may be engaged. I regard any condition that would interfere with that as involuntary servitude, forbidden by the law of humanity and by the organic law of our country. I did not intend, therefore, that it should have any such application.

Mr. CUMMINS. One further question. Does the Senator intend by this bill or does he believe that this bill will, if passed, repeal the 16-hour law now in force in the United States?

Mr. NEWLANDS. Only in so far as it conflicts with it.

Mr. CUMMINS. We now have a statute which prohibits continuous employment or service on trains for more than 16 hours, and I wondered, as I looked over it, whether it was intended by this amendment to repeal that statute.

Mr. NEWLANDS. As I understand, and as has been suggested to me by the Senator from Alabama [Mr. UNDERWOOD], the 16-hour law fixes the hours of labor, whilst this bill practically fixes the rate of wage.

Mr. CUMMINS. I realize that, and I do not express any opinion upon that subject, but this bill fixes the rate of compensation for overtime over eight hours a day; it fixes eight hours as the basis of a day's work; and it seems to me that it is well worthy of thought whether, if we pass this bill, we have not repealed the absolute limitation upon continuous service. These suggestions I have made not from any controversial or hostile spirit, but to get a clear understanding of what the majority of the committee believe the bill will accomplish.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. I desire to read lines 10 to 14 of section 3 and then to ask a question with reference to it:

Any person who shall wilfully delay, obstruct, or hinder the operation of trains mentioned in section 1 of this act shall be guilty of a misdemeanor and be punished by a fine not exceeding \$5,000 and imprisonment not exceeding one year, or both.

The question I desire to ask is whether that is not a contribution by the committee outside of anything suggested by the President?

Mr. NEWLANDS. It is. I stated that.

Mr. REED. Now I desire to ask another question. I am referring to section 6, and I want to read it:

That the Interstate Commerce Commission shall have the power to fix the hours of labor and prescribe just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

That likewise is a contribution by the committee, and was not suggested by the President?

Mr. NEWLANDS. No; it was not a subject of recommendation, and I so declared in my opening statement.

Mr. REED. I want to ask the Senator if he is willing to provide that these 450,000 railway men shall be deprived of the right to make contracts with reference to their own pay, and to provide then that if they shall in any way obstruct a train—which might be construed, I think, to include the mere quitting of the engine, or the quitting of the position of conductor—they shall be fined and sent to jail? I wish the Senator would tell us why that does not establish involuntary servitude in this country; and I wish he would tell us why, when it is necessary to have this bill passed in order to prevent a strike at the present time, such a question as that is injected into it—a question that is bound to arouse antagonism that is country-wide, and bound to arouse antagonism in this body?

Mr. SAULSBURY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Delaware?

Mr. NEWLANDS. Will the Senator permit me just one minute?

Mr. SAULSBURY. Yes; but if the Senator from Nevada will permit me for a moment, I wish to correct a misapprehension, I think, of his former statement, which replies in a measure to that of the Senator from Missouri. The committee did consider, discuss, and confer about the provision found in section 3 from lines 10 to 14; and I distinctly recall that the opinion of the committee was that that was not intended to interfere with any strike; it was not supposed that it could properly be construed to mean anything except physically delaying, obstructing, or hindering the passage of a train which otherwise would pass to its destination on time.

I think the committee would have modified that amendment if it could have been construed in any other way. I also think there has been a misprint in the bill as it is now presented, because I am sure that the penalty was \$500 and not \$5,000, making it much less. I am sure also that it was not intended to apply to the condition stated by the Senator from Missouri, and I do not think it would be so construed.

Mr. REED. The penalty is not merely \$500 or \$5,000; it is a fine of either \$500 or \$5,000, depending upon which way the facts are, and, in addition to that, the language is "and imprisonment not exceeding one year, or both."

Mr. CUMMINS. Mr. President, if the Senator will allow me just a moment, I asked the question in the committee which I have now asked on the floor. It was not very satisfactorily answered, for there seemed to be some difference of opinion among the members of the committee, if I may be permitted to speak of our meeting; and I ask the attention of the Senator from Missouri. The Senator just said that section 6 covered, I think, 450,000 employees. Section 6 covers 1,800,000 employees of railway companies.

Mr. NEWLANDS. Now, Mr. President, I wish to answer, if I may without interruption, the suggestion of the Senator from Missouri.

I will say that if there is anything in this bill that interferes with the liberty of action of any employee of a railroad company in giving up his employment, I should be glad to see it amended so as to relieve it of that feature. I certainly had no such thing in mind when I supported this amendment, which is not my amendment.

Mr. SIMMONS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from North Carolina?

Mr. NEWLANDS. If the Senator will permit me, I prefer to answer completely the question of the Senator from Missouri.



The PRESIDENT pro tempore. The Senator declines to yield.

Mr. NEWLANDS. In addition to that, the suggestion is made that it is rather unbecoming in the committee to go any further than the President's recommendation. I wish to say that I feel that it is my duty as a legislator, with reference to every matter coming up for legislation before a committee of which I am a member, to urge my views as to what constitutes a remedy for an existing condition; and I felt, so far as I was individually concerned, that I would be in a humiliating position if I should at a serious juncture like the present fail to make some suggestion that would guard the future, and I supported these amendments when they were offered upon the assumption that they were wisely framed for that purpose.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. If the Senator will permit me to reply to the Senator from Missouri, I will yield to him in one moment.

The PRESIDENT pro tempore. The Senator declines to yield at present.

Mr. NEWLANDS. Mr. President, I believe in a government of law and of order, and not in a government of force, where an individual or an organization can apply force to society and demand submission. We have had some realization of what the doctrine of force means in international complications. For years, by conventions between the nations, we have been endeavoring to use something besides force for the settlement of international differences. We have been endeavoring to create international tribunals in which reason, not force, should be employed for the settlement of international differences. The humanities of our time have entirely failed, though the energies of the best minds have been for many years addressed to this great question, and to-day the world is involved in a cataclysm far surpassing anything in its previous history. The basis of it all is that one or more powers failed to submit to reason, and resorted to force.

There never has been a time during this entire period when all the differences between these countries could not have been settled and adjusted more logically by reason than by force. They can be settled to-day by reason much better than they can be settled by the outcome of this war; for after this war is ended, and one of the contending forces is victorious, we will find differences arising between the conquering nations as to their interests which will involve the application of force and not reason to settle them, just as the great Balkan war settled nothing, and left the victors to fight among themselves and surrender the spoils of their victory, each one coming out of that great struggle worse in fortune than when it entered it.

Mr. President, it has been our proud boast that in domestic controversies law and reason controlled and not force, and we have created tribunals for the settlement and adjustment of differences between man and man; but we have never yet created a tribunal which can settle and determine these great differences between employer and employee. We say they must have absolute liberty of action, liberty of employment, liberty to quit, and yet we have found that that "liberty" meant a resort to the doctrine of force, sometimes upon the part of employers and at others upon the part of employees—one of them asserted in the lockout, the other asserted in the strike. Is society, is a great Republic and democracy like this, to confess its impotence to meet this great question to which we have been addressing ourselves with so much zeal and fervor in our international affairs?

How many recommendations have we made during this very contest for the substitution of reason for force in the determination of international contests? Shall we apply our talents and our energies only to the study of that question and confess ourselves impotent before a civil war which is approaching, and which, if carried out to its logical outcome, will embrace as many horrors as the existing European war?

Mr. President, as the chairman of this committee, charged with the duty of reporting a bill upon this important subject, I would have felt myself a coward had I failed to suggest some remedy by which law and order may be maintained, so that reason, justice, and humanity may at last prevail.

Mr. REED. Mr. President, if there ever was a time in recent years when we ought to proceed wisely, without any excitement or with blood in our heads, and endeavor to meet a practical question in a practical way this is that time.

If I understand the situation, the representatives of the railway employees have said, in substance, that if the eight-hour day is legally recognized and a law is passed similar to that which is set forth in the bill down to the penalty clause in section 3, the strike will be declared off. If the strike is declared

off, time will then intervene in which to settle, after ample discussion and deliberation, all the other difficult questions. The strike is now called for the 4th day of September, and unless the strike order is recalled the business of the United States will come to a standstill.

Mr. President, with that situation before us, why should we drag into the question matters of the most serious concern that are not necessary to meet the present emergency—questions that will inevitably provoke contrariety of opinion, bitterness of debate, prolonged discussion, and will defeat the passage of this bill in time to prevent the catastrophe which now is impending?

The Senator from Nevada [Mr. NEWLANDS] states that he would be ashamed as a legislator not to do his full duty. What is his full duty is a question for him to consider; but I can not understand why, in a great crisis when immediate action is necessary, a man should regard it as his duty to transform that crisis into a calamity by introducing other questions which will make the avoidance of the crisis absolutely impossible.

Section 6 of this bill and parts of section 3, taken together, are absolutely revolutionary in the laws of this country. The whole bill is a radical departure from anything we have hitherto had, and we are asked to act upon that part of it which the President especially called to our attention quickly. I believe it is the consensus of opinion that we should do so; and yet under ordinary circumstances we would not act upon those questions which the President did suggest without full and complete debate and thorough consideration. Now, at this crisis, in this time of haste, when the house is burning down before our eyes, the Senator from Nevada wants us to stop and reform all creation and change everything, in the face of that crisis.

Sensors, it is the height of unwisdom to attempt any such program. More than that, when you lay before the railway employees of this country—as the Senator from Iowa [Mr. CUMMINS] has said, the 1,800,000 of them—a proposition which they will construe as taking away from them for all their lives the right of individual contract, you will arouse such feeling, such consternation, such indignation, that instead of stopping this strike you will make it inevitable.

Why should we not proceed along the line the President suggested, namely: First, pass an eight-hour day law; second, accept the statement made by the heads of these railway organizations that if that law is passed the strike will be called off; third, when the strike is called off, when the pending trouble has passed, when we meet here next December, when the investigation has been had which this bill properly provides for, and we know what we are acting upon, when we are made acquainted with the facts that have been developed in the actual trial of the eight-hour experiment—when all these things are before us, when the views of all the parties affected can be heard and digested and debated, at that time and under those circumstances undertake such remedial legislation as may be wise under the circumstances?

I hope that we can promptly get rid of these two troublesome sections and get this bill on its passage. Without desiring to say anything that may seem harsh or offensive, I am astounded at such a crisis and upon such an issue to find these outside questions, these serious questions, unnecessarily thrust into the bill.

Mr. UNDERWOOD. Mr. President, I concur with what the junior Senator from Missouri [Mr. REED] has said in reference to this bill being presented here to meet a most important question, a vital question to all the American people. If it were not for the serious contingencies that the American people are facing to-day that might be brought about by general strike conditions in this country, I take it that every Senator on the floor of this Chamber will admit that this bill would not be before this body at this time—necessarily so.

The Senator says that this is a new departure in legislation, and that it proposes radical legislation. Both conditions are true, whether you leave section 6 in the bill or strike it out.

We are proceeding by law to fix the rates of wages for 400,000 men in the United States without knowledge on our part of the facts. I do not doubt the power of the Congress of the United States, under the interstate-commerce clause of the Constitution, to regulate the instruments of interstate commerce, and in regulating the instruments of interstate commerce to fix rates of wages as well as to fix hours of labor, which we have already done by legislation in the past, when we passed the 16-hour law that is now on the statute books, or to fix the rate at which transportation shall be carried on throughout the country. In my judgment, we undoubtedly have the power.

A decade or more ago it was regarded as radical legislation in this country when Congress established a commission that would fix just and reasonable rates for the transportation of freight. We were told then that it was most drastic legislation



and interfering with the rights of private property. But the American Congress recognized that its supreme duty was not to individuals but to the great mass of the American people, not to the exceptional case, but to prescribe rules and regulations by which the American people may live and thrive and make their living.

The arteries of commerce that are affected by this bill are just as important to the life of the Nation as the veins and arteries in the human system that convey the blood to and from the heart to the extremities of the body. Paralyze those arteries of trade, these lines of transportation, and you decree death to this Nation. You decree that the industries of this country shall be stopped, that men by the million shall be driven from their employment, that women and children shall suffer and starve.

Is not that a more important question than the question that your predecessors faced two generations ago when in the public interest they said the Congress should establish a commission to prescribe just and reasonable rates of freight in this country?

I am in favor to-day of labor having every opportunity to upbuild itself, to secure fair hours of service and fair rates of pay. In a record of over 20 years' service in the Congress of the United States I have uniformly voted for legislation that will upbuild and uplift the labor of this country, because from the labor of the country, whether organized or unorganized, springs in the last analysis the lifeblood of the Nation. The future of our country is dependent upon the upbuilding of the toilers of America.

But when you tell me that my duty to the American people, my duty to my country, my protection of my flag is served by simply consenting without knowledge to a temporary settlement of a problem that will last but six months by the terms of the settlement and lead to nothing, that I have served the great American people by surrendering my legislative power to the dictation of some one else, then I say that if I must legislate and fail to stand for what I conceive to be the interests of my individual constituency and the true interests of the great American public, they can not take my commission away from me too quick for my own satisfaction and the benefit of the constituency I represent.

Senators, the American people have a right to your consideration in disposing of the legislation before this body. Now, what are we confronted with? This demand for an increase of wage of 25 per cent may be right and it may be wrong. Not a man here has investigated the question, not a man here knows the details. There has been no opportunity to learn or consider them. We merely know that the representatives on the part of labor say it is right and that the representatives on the part of the railroads say if they yield it will be destructive to their property. Now, that is the extent of the information we have. And yet we are going to-day to vote by legislative enactment an increase of wage of 25 per cent of the present wage without knowledge on our part of what we are legislating.

I am for the bill, and I propose to vote to make that increase. How can I justify myself in that vote to the constituency I represent? But in one way. The people of the United States are threatened with a debacle that is not equalled by anything that has ever occurred in the history of this country except a great war. Starvation, business paralysis, distress, stare the people of the United States in the face if this condition was allowed to take place. For one I am willing to surrender my individual judgment, admit that I am legislating without knowledge, to bring peace—commercial peace, industrial peace—to the homes of the people of this Nation. If that did accomplish the result that is the better line; but if that did not accomplish the result, rather than bring destruction to the country, I would not for one minute hesitate to use the mailed hand in so far as I am concerned. This is the right, the better way, and I am glad to have the opportunity to embrace it, but our country must stand first.

Now, the President of the United States, occupying his great office with this responsibility, realizing the danger and distress that might come to the American people if this unfortunate condition of a universal strike should arise, properly and courageously stepped into the breach and tried to stop the debacle. He was unsuccessful. It is idle, a waste of time, for us to consider now whose fault it was that the President was not successful. History may determine that question; it is not a matter of importance to the Senate of the United States when the burden has come to us, and we are clearing the way.

But the President of the United States made certain proposals through his Attorney General's office to the Congress to relieve the situation. He proposed that a bill, called an eight-hour bill, but, in fact, a bill fixing the wages on an eight-hour basis,

should be passed. Why? Because the representatives of the great labor organizations of this country had stated to him that if that bill was passed they would call off the strike. That was the terms that they would not strike on, if you pass this bill recognizing eight hours as the basis of wage to be paid for a 10-hour day; nothing more and nothing less.

Now, we are going to pass that bill. We have accepted its conditions. The President of the United States accepts them, but the other side would not accept them. We have reached the point where we, representing the American people in the great legislative bodies of this country, are going to accept the contract. We are going to make it a law of the land that for six months this eight-hour day as a basis of wage shall be tried out in this country.

When the six months are over what then? When the six months are ended what then? If there is nothing more than the eight-hour day, you are where you are to-day. The men have gotten their pay on an eight-hour basis of pay for six months. There is no guaranty in the bill that the railroad management shall continue to pay it at the end of the six months. There is no guaranty in the bill that the men themselves will not strike at the end of six months. You have stopped a strike for six months by paying this additional wage, but at the end of the six months you are where you are to-day.

Is that any settlement of this question for the American people, for the constituency that you and I represent, the constituency that has got a right to demand of us when we pass this legislation, admittedly without consideration, that we will protect their rights and their interest in the future?

The President of the United States realized that in the proposals to Congress. He did not come to the Congress and say, "Pass an eight-hour day and stop," because the President of the United States knew full well that if he stopped there he would have rendered nothing to the people of this country.

Senators, the men who are engaged in this controversy are of the brawn and sinew of the American people. There is no class of labor that stands higher than the men who are involved in this controversy for honesty, integrity, and true citizenship. But they are fighting for themselves, not for the American people, to-day.

I am not criticizing them for demanding what they conceive to be their rights, but we stand as an arbiter between them and the rights of the great American people, who are entitled to these highways to ship their commerce over. In fact, we are compelled to keep these highways open that the Nation may live.

I say the President of the United States recognized that he had not fully performed his duty to the American people by passing an eight-hour day. If so, why did he suggest any other legislation? The President of the United States, through his Attorney General, sent to the Congress besides this eight-hour bill a compulsory arbitration bill, a bill establishing a court of arbitration and carrying a clause in it compelling arbitration until the final decision of the arbitrators. More than that, he sent here a bill authorizing the President of the United States to use the mailed fist to take charge of these railroads under the military power of the United States and run them by the soldiers of the United States Government. He was right. He was right if it is necessary. I am glad we can avoid that necessity. I do not want to go to that necessity, but rather than block the commerce of this Nation, throttle the vitals of the life of the Nation, I would use the military power of this Government to take charge of the railroads and let the people of the United States live.

Now, that is what has been proposed to us through your committee, not an eight-hour day to settle this controversy. It is true if you only want to settle it for one side, if you only want to settle it in the interest of the organized labor of the railroads and leave your problem unsettled for the great American people, then pass the eight-hour-a-day bill. There will be no strike if you pass the eight-hour-a-day bill. No matter what else you put into the legislation, there can not be, because when the Congress of the United States has made this bargain it has got to wait six months first, and why should we say to the American people, "We will accept an eight-hour day, and at the end of six months you have got to face this condition and this contingency again"? Why should we say to the great shipping interests of the country, "We abandon all care and all thought of your rights and your interests in this matter"? If we would bend the suppliant knee because we fear our own future, then we may sail away from Charybdis, but the rocks of Scylla are on the other side.

Mr. STONE. Mr. President—

Mr. UNDERWOOD. I yield to the Senator.

Mr. STONE. The Senator from Alabama being a member of the Interstate Commerce Committee has, of course, aided in the preparation of the bill.



Mr. UNDERWOOD. I did.

Mr. STONE. I never saw the bill, and knew nothing about it until it was brought in here an hour and a half or two hours ago.

Mr. UNDERWOOD. Undoubtedly hastily; and there would be no justification for the hasty preparation and consideration of this bill if it were not for existing circumstances.

Mr. STONE. That is undoubtedly true; but what I rose for was to get some information.

Mr. UNDERWOOD. I shall be glad to furnish it if I can.

Mr. STONE. I am sure the Senator can, for my inquiry is along the line of his remarks, to which I have been listening.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator yield to the Senator from Connecticut?

Mr. BRANDEGEE. I am interested in this matter and would like to hear what the Senator says.

Mr. STONE. I will try to address myself to the Senator so as to be heard, for I think I am not alone in desiring this information. The Senator said, as I understood him, that the bill, if enacted, would only compose the situation for about six months.

Mr. UNDERWOOD. I meant the bill if enacted with section 6 out. With section 6 in, I think it will compose it permanently.

Mr. STONE. Section 1 seems to provide, as I understand the reading, that after January 1 next eight hours shall be made the basic day or standard day for labor on the part of those who are engaged in the actual operation of trains on interstate roads.

Mr. UNDERWOOD. It is my understanding of the bill that 8 hours shall be the standard day; then 10 hours' wages as at present constituted shall be paid for an 8-hour day.

Mr. STONE. Will not that provision, if agreed to by Congress and enacted into law, be permanent?

Mr. UNDERWOOD. No; under the terms of the bill as sent to us by the President it is only temporary, and at the end of six months from the time when the investigation expires the whole question goes back where it is to-day.

Mr. STONE. Would the eight-hour day proposition be remitted to the exact situation we have to-day?

Mr. UNDERWOOD. If the managers of the railroads desired to do so. There is no limitation of law to prevent it.

Mr. STONE. I did not so read the bill in the hasty reading we have had an opportunity to make. I will say to the Senator that reading section 2 and the following section providing for the appointment of a commission and defining its duties it is provided that the present wages shall continue until the commission reports.

Mr. UNDERWOOD. Certainly.

Mr. STONE. That must be within between six and eight months.

Mr. UNDERWOOD. Certainly.

Mr. STONE. That part of it I understand to be temporary—that is to say, until they make their report—but I am rather surprised at what the Senator says, and I am anxious to know exactly what the truth is as to the permanency of the eight-hour-day proposition itself.

Mr. UNDERWOOD. I will say to the Senator there was no dispute about it in the committee, and I do not think anybody disputes it whatever who has carefully read the bill, that the making of an eight-hour day for the measurement of wages under the bill is only to last until the report of the commission is made, which may be at the end of six months, and must be before the end of eight months.

Mr. STONE. Will the Senator refer me to the provisions of the bill upon which he bases that opinion?

Mr. UNDERWOOD. I do not wish to stop in my discussion, but if the Senator will reread the bill, he will see that. I can not put my finger right on it now, but it is unquestionably in the bill.

Mr. REED. Let me suggest to the Senator that it is section 3 to which he refers.

Mr. UNDERWOOD. Of course, I am not referring to section 6. With section 6 I think we have accomplished something.

Mr. STONE. The Senator is referring to it with section 6 out?

Mr. UNDERWOOD. With section 6 out it is only a temporary expedient.

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.

Mr. BRANDEGEE. I am not prepared to deny positively what the Senator from Alabama says as to the permanency of the eight-hour day if the bill passes, but I had assumed and I am still of the opinion that the bill makes the eight-hour

standard day a permanent thing. I know of nothing in the bill which would terminate that.

Mr. UNDERWOOD. Let me ask the Senator from Connecticut a question. I think we can settle that very quickly. At the end of six months, or after the commission reports, is there anything in the bill which will prevent the managers and directors of a railroad company from fixing the hours of labor and the rate of wage on their company as they see proper?

Mr. BRANDEGEE. Except the law says the eight-hour day shall be the standard.

Mr. UNDERWOOD. But the eight-hour day does not fix the standard of wage. You can reduce the wage. It is not the standard of labor, mark you. If it had been the standard of labor and said no man should work longer than eight hours, you might put that construction on it, but it is merely the standard of wages.

Mr. BRANDEGEE. I know, and what—

Mr. UNDERWOOD. There is nothing in the bill that at the end of six months would prevent the managers and directors of any railroad in the country from reducing the rate even below the present wages if they saw proper, except probably the finding of the commission, which might so influence them that they would continue the present status.

Mr. BRANDEGEE. The bill certainly reads—and I think it would be well to read the line to show it—as follows:

That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed, etc.

Mr. UNDERWOOD. Yes.

Mr. BRANDEGEE. What is there in the bill that ever terminates eight hours from being the standard for compensation?

Mr. UNDERWOOD. As I said, the eight hours is not the standard for compensation. What is there in the bill to prevent any director from reducing the pay under the standard? Calling it an eight-hour day does not make an eight-hour day. It is merely fixing a standard of wage, and there is nothing in the bill to prevent a president or board of directors from lowering the wage at the end of the six months.

Mr. BRANDEGEE. My remarks were called forth in relation to the inquiry of the Senator from Missouri, who asked as to the permanency of this provision, and the Senator said it was only temporary.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Florida?

Mr. UNDERWOOD. I do not want to stop in my remarks to read the bill, but I will do so. The real clauses of the bill that govern this question are sections 2 and 3. Section 2 provides—

That the President shall appoint a commission of three, to be known as the eight hour day commission, which shall observe the administrative and financial effects of the institution of the eight-hour standard workday as above defined during a period of not less than six nor more than eight months, in the discretion of the commission, and within 30 days thereafter shall report its findings to the President and to Congress.

Sec. 3. That, pending—

Mark the word "pending"—

That pending the report of the eight hour day commission, as above provided, and for a period of 90 days thereafter, the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all services in excess of eight hours such employees shall receive not less than the pro rata proportion of the compensation received for the standard eight-hour workday.

I do not see how it can be clearer than that when it says that this fixing of the wage shall be pending the report of this eight-hour day commission. When I said a moment ago, that this wage would only last six months under the terms of the commission's report, I should have said that it might extend 90 days beyond that; but that does not affect the argument which I make. My argument is, that this bill fixes a temporary time, when the increase of this wage shall expire, and that at the end of that time you will be just exactly where you are to-day, and nowhere else.

Mr. BRADY. And, as I understand the section as the Senator from Alabama reads it, there is no condition that could arise that would extend this time beyond one year—that is, the nine months provided for in the first part of the bill, and then the 90 days after their expiration.

Mr. UNDERWOOD. No; at the end of that time you would be where you are to-day. It could not go beyond that.

Mr. BRADY. It would end then, no matter what the finding of the commission might be.

Mr. UNDERWOOD. It might end in six months or it might end in a year.

Mr. BRADY. But it could not possibly extend longer than one year?

Mr. UNDERWOOD. It could not possibly under any circumstances extend longer than one year before you would be facing the condition which you are facing to-day.

Mr. LANE. I understood the Senator from Alabama to say that there was no Member of this body who understood the problems which are involved in this bill; that he himself did not.

Mr. UNDERWOOD. I say the basic problems. I did not mean the theoretical problems.

Mr. LANE. So far as the basic and the vital questions are concerned. If, according to the Senator's statement and his summing up, it merely defers the matter for six months, would not that six months be valuable time in which Members of the Senate could study the subject and acquire accurate information; and would they not then be better prepared to consider the question than they are to-day?

Mr. UNDERWOOD. Undoubtedly, if we could do so; but we can not.

Mr. LANE. But I understood the Senator to say that the bill would afford that opportunity. I know in the profession of which I am a member, that many members of that profession go for six months to acquire special training in order to fit themselves to do work along certain lines.

Mr. UNDERWOOD. I will come to that point. I have not been able to reach it yet, because I have been interrupted; but I shall come to it, if the Senator will permit me to proceed.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from South Dakota?

Mr. UNDERWOOD. I do.

Mr. STERLING. With all due deference to the construction put upon this language by the Senator from Alabama, I certainly think he must be wrong in saying that the eight-hour day, as fixed in the bill, is done away with after the report of the commission, or that it only lasts until the report of the commission.

Mr. UNDERWOOD. I said—

Mr. STERLING. Now, if the Senator will excuse me—

Mr. UNDERWOOD. I think the Senator misunderstood me. I said that the fixing of the wage which is guaranteed under this bill is done away with at the expiration of the time of the commission making its report. It does not make any difference whether you call it an eight-hour day or not, because there is no eight-hour day involved. It is only an eight-hour basis for fixing pay; and you can go on saying that you have an eight-hour day, but the fact is there is no eight-hour day in this bill. We might as well face it fairly. I believe in an eight-hour day, but an eight-hour day means that a man shall work eight hours, and work no longer than eight hours. There is nothing of that kind contemplated by this bill.

Mr. STERLING. The day which is provided for in the first lines of the bill is an eight-hour day, and it may be the day for all time, so far as the terms of the bill are concerned. Section 3 simply relates to the wage.

Mr. UNDERWOOD. Certainly; and the only thing in the bill is the wage.

Mr. CUMMINS. Mr. President—

Mr. UNDERWOOD. Just let me answer the Senator from South Dakota, please. If the Senator would go and consult with any of the gentlemen who represent the employees, and who have been contending here in this matter, they would tell him candidly, as they told me, that the question is a question of wage; that they are not contending for an eight-hour day, that a man shall work only eight hours; they do not want that. They work by piecemeal on the engines and in the cars. It is piecework; it is not hour work. They are merely taking this eight hours as a basis for pay, and the pay will expire when this commission reports.

Mr. CUMMINS. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Iowa.

Mr. CUMMINS. A single illustration will show that the Senator from Alabama is right and that his position can not be well contradicted. Suppose after the lapse of 6 months or of 9 months or of 12 months, whenever the report of the commission comes in, and 90 days thereafter pass, an employee works 12 hours upon a run, under the present system he would be entitled to 2 hours' overtime. We will assume that his present wage is as high as \$5 per day; that his 10 hours and his 2 hours' overtime give him \$5 per day. Under the law that is proposed here his overtime will be four hours, instead of two hours, but the railroad company is at absolute liberty after that time to reduce his compensation to \$5 a day—

Mr. UNDERWOOD. Undoubtedly.

Mr. CUMMINS. And to distribute it over the four hours' overtime, just as it now distributes it over the two hours' overtime.

Mr. UNDERWOOD. Unquestionably; and that is the gravamen of my statement, that at the end of 6 or 12 months, when this commission shall have made their report, you will be just where you are to-day.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield to the Senator from Idaho.

Mr. BORAH. The practical effect of the bill, then, is to fix the wage for these employees for the term of possibly one year?

Mr. UNDERWOOD. Yes; that is the practical effect of the bill, unless you leave section 6 in it.

Mr. BORAH. Exactly.

Mr. UNDERWOOD. Unless you leave section 6 in the bill there will be nothing in this proposed legislation to settle this great question, in which the American people are interested, for longer than one year at the outside. The President of the United States did not ask you to do that.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield before going on further.

Mr. BORAH. I want to ask the Senator, before he starts to discuss this matter—I am in doubt as to what extent the men in the employ of the railroads are covered by this bill—how many of the employees are covered by this wage fixing?

Mr. UNDERWOOD. I am in some little doubt myself about the construction of that; but I will tell the Senator from Idaho what my construction is. I think this bill covers all those men who are engaged in the operation of train service—not merely the men who are in the unions, but other men; for instance, the telegraphers, who are not in the union here. They are engaged in the operation of the train service. I do not think the eight-hour provision of the bill, so called, applies to the trackmen or to the men at the railroad stations—the station agents—but I would say myself that such a law would be very unjust if it applied only to the man who sits in the engine or the man who rides in the car, and did not consider the man who works as a switch hand, as a trackman, or a man who is a station agent. I would feel it would be unjust.

The bill, however, is only temporary. The only justification for us passing this bill at this time and in this hasty way, without knowledge and without consideration, is the fact that we are doing it to meet a very grave emergency to the American people. We are not passing this bill in the interests of the trainmen, but we are passing it in the interests of the American people, if we pass it right and properly.

Mr. BORAH. Mr. President, manifestly the bill can not cover those who are engaged in intrastate work. Would it cover the trackmen and switchmen?

Mr. UNDERWOOD. I do not think the bill would; but I will say that I have not given careful consideration to that portion of the bill, because that part of it is temporary. Section 6, if put into life, will cover, without any discrimination, every man who works for a railroad.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from West Virginia?

Mr. UNDERWOOD. I do.

Mr. CHILTON. The Senator from Alabama made a statement of the final effect of section 6 of this bill. Does he understand that section 6 would take the place of the compulsory arbitration law?

Mr. UNDERWOOD. No; it would not, and that is the reason I am in favor of section 6, that it would accomplish the result, but I would ask the Senator to let me finish my statement in reference to section 6, to explain directly what it means and why I think it ought to be in the bill. Then I will answer the question.

Mr. CHILTON. Very well.

Mr. UNDERWOOD. I wish to say to Senators that this eight-hour-day law does not cover the case; it does not cover the request of the President of the United States. He wanted something in this legislation that would control in the interest of the American people, and, if you stop with this eight-hour-day bill, without section 6, you will have a piece of legislation that is merely the purchase price of peace. That is all you will have done. You will have done nothing for the American people, but you will have paid the price of peace. Having that contingency to face, was it not the duty of the committee to put something into the bill to protect the American shipper and the American public?

Mr. BRANDEGEE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Connecticut?

Mr. UNDERWOOD. I do.



Mr. BRANDEGEE. Mr. President, if the Government is purchasing its peace for \$60,000,000 a year, does not the Senator from Alabama think it would be honest for the Government to pay it out of its own Treasury instead of reaching into the treasury of some other persons and having them pay it?

Mr. UNDERWOOD. That is a very grave ethical question, but I do not care to now stop to discuss it.

I am going to vote for this bill, because I think it is in the interest of my constituency, and I shall vote for it to stop this calamity; but when I do it, I want to do something toward the permanent settlement of these questions that will be in the interest of the great constituency that I represent and in the interest of the country.

We felt we could not proceed along the lines of the President's suggestions. The President asked for a compulsory arbitration act; but the members of the committee, at least many of them, felt that a compulsory arbitration act, such as had been set before us, was in violation of the Constitution of the United States; that it would probably be construed by the court to involve involuntary servitude and would be declared to be unconstitutional.

Mr. PITTMAN. Mr. President—

Mr. UNDERWOOD. Just let me finish my sentence. More than that, we realize that, if there was one single piece of legislation that the very men who were involved in this controversy—the laboring men—did not want and would be dissatisfied with, it would be compulsory arbitration. Now, I yield to the Senator from Nevada.

Mr. PITTMAN. Mr. President, the Senator from Alabama on several occasions has stated that the President has favored or recommended compulsory arbitration. At what time did he recommend it?

Mr. UNDERWOOD. Well, I am talking about the bills. The Senator from Missouri admitted that all these bills were bills that the President had recommended; the bills that came before our committee were laid before us in compliance with the message of the President of the United States delivered in the House of Representatives several days ago, in which he outlined several lines of bills. One of the Assistant Attorneys General and one of the members of the board of conciliation came before the committee and presented the bills, as representing the executive branch of the Government. I do not know whether the President of the United States indorsed those bills.

Mr. NEWLANDS. Mr. President—

Mr. PITTMAN. Just a moment, please, if the Senator from Alabama will yield to me—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the junior Senator from Nevada?

Mr. UNDERWOOD. I do.

Mr. PITTMAN. I want to read the President's declarations and his recommendations, and then leave the matter to the judgment of Senators as to what they mean.

Mr. UNDERWOOD. I will say to the Senator from Nevada that he is attempting to raise an issue, or have me raise an issue, as to whether the President is in favor of compulsory arbitration. I am talking about the bills sent down here by the President, and, if the Senator will examine them, he will see the cause that produces the result I have indicated.

Mr. PITTMAN. The Senator will not object to my reading a short paragraph from the President's address, will he?

Mr. UNDERWOOD. Not at all; but I am making no issue on that question.

Mr. PITTMAN. I read from the message delivered by the President several days ago at the joint session of the two Houses of Congress, as follows:

Fifth, an amendment of the existing Federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

Mr. UNDERWOOD. I was really quite familiar with the message of the President. I heard it read by the President, and the language the President uses there confirms exactly what I said.

Mr. NEWLANDS. Mr. President—

Mr. PITTMAN. Does the Senator—

Mr. NEWLANDS. Will the Senator from Alabama permit me to make one word of explanation?

Mr. UNDERWOOD. Certainly.

Mr. NEWLANDS. There is a misapprehension regarding that language. I contend that the words "compulsory arbitration" have been very loosely used both in the committee and in the hearings on yesterday as applicable to the President's recom-

mendation. The President did not recommend compulsory arbitration. What he recommended was a governmental investigation of the facts, and during the investigation a stay of the right of lockout and strike until the investigation was concluded.

Mr. PITTMAN. That is the way I understand it.

Mr. NEWLANDS. So that it is public and governmental investigation, not compulsory arbitration, that the President has suggested.

Mr. PITTMAN. That is my view of it.

Mr. NEWLANDS. But the term has been very loosely used, and it is catching. I found that in the committee and in the hearings the expression "compulsory arbitration" was being continually used, although I have no doubt that all understood that the real recommendation of the President was simply for a Government investigation.

Mr. PITTMAN. Understanding it in that way, I objected to the continual use by the Senator from Alabama of the expression "compulsory arbitration," for there is nothing in the President's message from which any inference of that kind can be drawn.

Now, as to the bills that have been submitted by one of the clerks of the Department of Justice, I can not see why the Senator from Alabama should attribute those bills as expressing the ideas of the President on this subject, when, as I understand, they were submitted by the Department of Justice as examples of various characters of legislation that might reach this subject. Certainly, if any of those bills are in conflict with the declarations of the President, made public to both bodies of Congress, then his public declarations must be taken as against the declaration of some clerk in the Department of Justice.

Mr. UNDERWOOD. The President's declarations are taken. I am glad the Senator from Nevada, in my time, should fly to the defense of the President. I am even willing to defend the President of the United States myself, and I have done so on numerous occasions and am attempting to do so now. I said that I stood with the President when he suggested that if it was necessary to use the mailed hand he would use it to stop this debacle. So would I if it were necessary.

Mr. PITTMAN. Mr. President, again I beg to say the President did not say that.

Mr. UNDERWOOD. Of course, he did not use those words, but he said he wanted us to pass a bill that would give him control under the military arm of the Government.

Mr. PITTMAN. For the sole and only purpose of taking food to the military forces of our Government and handling the military situation.

Mr. UNDERWOOD. Of course. The Senator is informing us of something that we have never heard before, although we were all present when the President delivered his message. Surely the President had a reason, and a good reason, for saying why he wished to take over the railroads, and I concur with what the President said.

Now, as to the question of compulsory arbitration. It probably is a loose expression. The President favored in his bill the preventing of men from stopping work by strikes pending a decision by the board of conciliation. His recommendation was that pending the report of the board of conciliation these men should not be allowed to strike. I possibly loosely called that "compulsory arbitration." The Senator is probably correct. It is probably not a proper application of the term. But compulsory arbitration, in my judgment, is unconstitutional. It would be unconstitutional, in my opinion, for us to enact a law providing that these men should be forced to work pending the decision of a board of conciliation. Therefore we did not put such a provision in the bill. That is all there is to it. I think the provision that we put in the bill answers the purpose without going as far as that, and that there can not be any question about it.

Before passing from that proposition my attention is called to the portion of the President's message in which he said:

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by record of a court of law in order that their interpretation and enforcement may lie, not with one of the parties to the arbitration, but with an impartial and authoritative tribunal.

Mr. PITTMAN. But does not that anticipate that there is an agreement to arbitrate first?

Mr. UNDERWOOD. No; it does not.

Mr. PITTMAN. Well, where in the bill is there any provision for an arbitration?

Mr. UNDERWOOD. The Senator evidently has not read the bill that was sent to us. I am not defending the bill that was sent to us.

Mr. PITTMAN. I evidently read it more carefully than the Senator has read the President's message.



Mr. UNDERWOOD. Here is what the President said—and he is right about it:

I was seeking to compose the present in order to safeguard the future, for I wished an atmosphere of peace and friendly cooperation in which to take counsel with the representatives of the Nation with regard to the best means for providing, so far as it might prove possible to provide, against the recurrence of such unhappy situations in the future—the best and most practicable means of securing calm and fair arbitration of all industrial disputes in the days to come. This is assuredly the best way of vindicating a principle, namely, having failed to make certain of its observance in the present, to make certain of its observance in the future.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Mississippi?

Mr. UNDERWOOD. I do.

Mr. VARDAMAN. It is understood by the Senator from Alabama and the Committee on Interstate Commerce that the bill which the Senator is now discussing has the approval of the President, is it not?

Mr. UNDERWOOD. The bill that is before the Senate?

Mr. VARDAMAN. Yes, sir.

Mr. UNDERWOOD. Well, as the Senator from Nevada stated to the Senator from Missouri awhile ago, there are two clauses in this bill that, so far as I know, the President had no part in. He may or he may not approve them; but, so far as I know, he had no part in them.

Mr. VARDAMAN. The President, as I understand, is not antagonistic to this bill or this proposed piece of legislation.

Mr. UNDERWOOD. The President, so far as this eight-hour bill is concerned, is in favor of it, but he wanted it supplemented with other legislation.

Mr. VARDAMAN. The purpose of that inquiry was to emphasize the fact that all of this talk about what the President said in his message is wholly irrelevant at this time, except as an issue between Senators. It throws no light on this bill, and for that reason I can not see the necessity for the further discussion of that phase of the question. I was under the impression, however, that the bill was brought here by the committee with the stamp of the President's approval upon it.

Mr. UNDERWOOD. So far as I know, the President approves this bill from top to bottom, but I do not know as an absolute fact whether or not he has seen section 6.

Mr. NEWLANDS. Mr. President, with the permission of the Senator from Alabama, I will say that the President has not seen section 6, nor has he seen the latter part of section 3.

Mr. UNDERWOOD. That is my understanding.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. Has the Senator from Nevada any reason to believe that the President approves either section 6 or section 3?

Mr. NEWLANDS. I have not. I will state, in that connection, that the President made well-balanced recommendations. One recommendation involved a condition of truce, so that reason could operate. Then he recommended securing the future against similar conditions by wise legislation. One of the measures that he proposed was governmental investigation by a commission appointed by himself, with a stay of the privilege of strike or lockout during that period of investigation; that is, wherever a dispute arose in interstate commerce, the law would attach and compel an investigation of the facts before the privilege of lockout or strike could be resorted to. I favor that legislation myself, and I should like to see it passed to-day. I would like it even better than section 6, but the feeling of the committee was that we could not get it through at present and that it would have to come up for future consideration.

Mr. UNDERWOOD. Now, Mr. President, I should like to proceed with my remarks. I was endeavoring to set forth the bills that have been sent down here by the executive branch of the Government and supposed to carry out the wishes of the President, to give the reasons why we did not put them into operation fully, and why we adopted section 6 in their place.

Mr. President, there is no yielding in section 6 of any right that labor in this country possesses to-day; not one. There is no compulsory arbitration in section 6; there is no force in section 6. The only force in section 6 is the force of public opinion—that a disputed question should be settled by arbitration or by a disinterested judicial tribunal.

It has been asked, "Does the committee desire these men to be denied a fair right to make contracts?" No; the committee does not desire that, and it has not interfered with their right of contract, except when they are having negotiations in reference to strikes. The rates of wages on the railroads are fixed by the presidents and general managers and directors without

consultation with the men. They are fixed arbitrarily and as firmly fixed as law, and when a man wants to make a contract in reference to them he is told how much wage he can get, and he contracts to accept it or reject it, as he sees fit. That is the only sayso he has, except when he has combined with others on an occasion like this in a general demand for a raise. Now, is it taking away a right from these railroad men to say that instead of the presidents and directors of these roads arbitrarily fixing their rate of wage we will turn it over to a disinterested tribunal to fix the rate of wage and the hours of labor?

Mr. REED. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Missouri?

Mr. UNDERWOOD. I yield.

Mr. REED. Does the Senator really mean that the men now have no right to bargain with their employers?

Mr. UNDERWOOD. I did not say that.

Mr. REED. I understood the Senator to say that the wages were now arbitrarily fixed by the employers.

Mr. UNDERWOOD. I did, but I did not say the other.

Mr. REED. Is not this the real fact about the matter—that practically every schedule of wages that now exists upon the railroads was fixed as the result of negotiations between the representatives of the men and the representatives of the companies; that they have all been fixed by mutual agreement; that that has been the custom for a number of years?

Mr. UNDERWOOD. That was the statement that I made. I stated that these men's wages were arbitrarily fixed except when, through their unions, they reached an agreement with the roads. I said that, but I will supplement what I said. I will say that that is true of 450,000 of the 1,800,000 men employed by the railroads. About one-third have had a chance to arbitrate and conciliate and make terms of agreement about their wages, and in the case of the other two-thirds their wage has been fixed all the time arbitrarily by the boards of directors and general managers of these railroad companies. Only about one-fourth of the men have had an opportunity to fix their wages, and the other three-fourths have had it arbitrarily fixed.

Mr. REED. Mr. President, will the Senator permit another question, just to throw some light on this matter?

Mr. UNDERWOOD. Certainly.

Mr. REED. It now appears that at least as to the 450,000 trainmen who are the men immediately to be considered, and whose action, together with the action of their employers, has brought on this threatening condition, those 450,000 men have for a long time fixed their wages by mutual agreement between themselves and the railway companies. If section 6 is adopted, does not that terminate that right expressly in these words?—

The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative or the petition of the employees, the managers of the railroads, or the public.

Does not that section, if it is passed and becomes law, for all time take away the right of the men by mutual agreement to fix their wages and place the wage-making power solely in the Interstate Commerce Commission?

Mr. UNDERWOOD. It takes away nothing that the men now have. It does place the wage-making power in the hands of the Interstate Commerce Commission. Under existing conditions the rate of wage is fixed by the owners of the railroads. They may make—and, as to certain employees, at times have made—concessions about the rate of wage, and under the organized brotherhoods I suppose that most of the wages now in existence have been arrived at by an arrangement of that kind. But who fixed the wage? It was because the owners of the property were willing to pay the wage, and for no other reason.

Mr. REED. And also that the men were willing to accept it.

Mr. UNDERWOOD. Certainly.

Mr. REED. That is the other reason.

Mr. UNDERWOOD. Certainly. Now, there is nothing in this proposition to prevent the men from accepting or rejecting any wage that is offered to them. There is not in the other. The only difference is that this proposition broadens the wage scale so as to apply to 1,800,000 men instead of confining it to 450,000 men.

The President in his message says he desires to maintain the principle of arbitration in the settlement of disputes. The people of the United States have demanded that we should maintain the principle of arbitration in the settlement of wage dis-



putes. This bill provides a permanent board of arbitration. It recognizes for the first time in the legislation of this Government an opportunity for labor to have its day in court and for the courts of this country to recognize the rights of labor; not that they must go on bended knee and beg for their rights; not that they must go with mailed fist and demand their rights; but that there is a tribunal in the land where they can go and present the case for their rights as every other man does in a civilized country about all other questions except labor.

Why, the very basis of civilization grew out of the fact that the law established courts in place of power; that in disputes about property the law opened the courts for the settlement of disputes instead of the use of force. Labor has been denied that right for centuries; and when the opportunity comes when men are willing to recognize that right, has not labor asked to have its disputes settled in courts of arbitration? Is not that a court? Have they asked to be driven to the terrors and the dangers of strikes? Must they be driven to those extremities before they get their rights?

Now, I do not know; it may be that some of the leaders of labor may think that if the court is open as a court of arbitration for the rights of the toiler it may deprive them of some of their privileges and power. I do not believe it. I do not believe that there is any man who represents labor, no matter how high his position, who will not welcome an opportunity to give the men from whom he bears his commission a chance to settle their disputes and obtain their rights in a fair court of justice rather than on the battle field of dispute, the battle field of hunger, the battle field of deprivation, which men are put to when they are forced to go on strike. This section recognizes the rights of labor by law.

But that was not what I rose to discuss in this case. What I contend for is that if you pass this so-called eight-hour bill with nothing else in it, at the end of six months or a year you will be where you are to-day. You will have settled nothing for labor. You will have settled nothing for transportation.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. UNDERWOOD. I do.

Mr. SIMMONS. The Senator has said that before. I understand the Senator's position to be that if this bill is confined to the eight-hour proposition we will get nowhere.

Mr. UNDERWOOD. Without section 6.

Mr. SIMMONS. Without section 6.

Mr. UNDERWOOD. Yes.

Mr. SIMMONS. I understood the Senator in the beginning of his speech to say that the reason why we could not treat this subject now in a broad and comprehensive way was that we did not have sufficient information. If we should pass the eight-hour proposition and create this commission with the powers of investigation that the bill proposes to confer upon it, with the provision that the hours and wage named in the bill should obtain until that commission has completed its investigation and three months afterwards, does not the Senator think that through that instrumentality and agency we would get the information that we now lack, and for the lack of which we are not now in a position to legislate with that fullness of information and knowledge essential to wise legislation?

Mr. UNDERWOOD. I will say to the Senator candidly, that if the Congress of the United States intends to take on its own shoulders, by its own legislation, the question of fixing the hours of toil and the rate of wage, of course we would be enlightened by the finding of this commission, because it would give us information that we have not now. I take it, however, that the Congress of the United States has no idea whatever of itself directly legislating a wage scale except in the present emergency, when it is driven to it. In cases of this kind we always refer work of this class to commissions or other people. We did it when it was necessary to fix rates. Congress itself had the power to fix rates of transportation, but it did not exercise it. It referred the subject to a commission. I take it that whenever Congress gets ready to act permanently on this question, either now or in the future, it will not sit here and say as a legislative body what the rate of daily wage of those men shall be, but it will refer it to the judgment of some other body.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. If we are going to legislate the rate of wage, I concede that the Senator is correct; but if we are going to establish a tribunal to take this burden off of our hands for the future, there is no better time to settle that question than right now. We know the conditions that exist. We know the difficulties that we have to face. We know that if we do not face them now they will be back here on us in six months or a

year, unless some propitious settlement is made. Therefore, I say, now is the time to settle the matter.

But I have been trying for some time to get down to the real line of argument that I started to make.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, is not this the situation:

We are confronted by an emergency which calls for—or, at least, which the President thinks calls for—some kind of legislative action. In this condition we find ourselves without the information necessary to enable us safely to adopt permanent legislation to meet that situation. In these circumstances, is it not wise to adopt such temporary legislation as will meet the specific emergency and at the same time provide for an inquiry that will afford us, or that we have reasonable ground to believe will afford us, reasonable information and enlightenment to enable us to legislate upon the subject, in all of its aspects, in a more satisfactory way than would be possible now?

Mr. UNDERWOOD. I thought I had answered that.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I can not answer both at the same time. Let me answer the Senator's question. I thought I had answered the Senator.

Mr. SIMMONS. I feared the Senator did not clearly understand my first statement; that perhaps I did not make myself quite clear.

Mr. UNDERWOOD. Of course I admit that we have not the information on which to legislate and fix rates of wages, which we are going to do and attempting to do. We have full information on the question that we will have to face in the future, as we have in the past, strike situations, unless we are going to put something else in the place of them, and we know what those conditions are.

Mr. SIMMONS. Mr. President—

Mr. UNDERWOOD. The President has recommended a line of procedure to meet future conditions which he asks us to legislate about; but the committee have concluded to adopt section 6 instead of the line of procedure that the President suggested.

Mr. SIMMONS. Now, Mr. President, if the Senator will pardon me, I should like to ask him what to my mind is the practical question in connection with this subject. If we should pass a bill fixing the hours of labor and the pay, and authorizing this commission to make this inquiry, with a provision that these rates should remain in effect until that commission made that inquiry and three months afterwards, does not the Senator believe that would stop the strike on Monday?

Mr. UNDERWOOD. Yes; I think it would stop the strike, but it would not satisfy your constituents and mine. They would hold us responsible.

Mr. SIMMONS. Let me ask the Senator another question.

Mr. UNDERWOOD. That is what I am trying to come to. The questions that are asked prevent my reaching it.

Mr. SIMMONS. Let me put the two questions together, so that the Senator can answer them together.

Mr. UNDERWOOD. I know, but the continual asking of questions will never let me get down to the real reason why I want this provision put in.

Mr. SIMMONS. I want the Senator to have them both together, and then he can answer them together.

Mr. THOMAS. There are others waiting for the Senator.

Mr. SIMMONS. I want to ask the Senator this further question: Does the Senator believe that if we were to pass the bill as it came from the committee with section 6 in it—a section which takes away from the laborers on these interstate roads—

Mr. UNDERWOOD. No; it takes nothing away from them. It takes something away from capital.

Mr. SIMMONS. I will withdraw that, then. If we should pass this bill with section 6 in it, authorizing the Interstate Commerce Commission to fix the hours of labor and the rates of wage, does the Senator believe that we would stand any chance of ending this strike on Monday?

Mr. UNDERWOOD. I certainly do. There would be no question about it. The strike is ended to-day, as the Senator knows.

Mr. SIMMONS. It is my judgment that by one course we will avert the strike, while by the other I doubt whether we would avert it.

Mr. UNDERWOOD. Oh, well, that is a mere matter of opinion. If the Senator thinks that by passing this eight-hour law to-day we would stop the strike, then if we pass section 6 to-morrow or the next week or three months from now would it not bring on a strike, if that is the case? What has section 6 to

do with the controversy involved in this strike? Why should these men strike after they get their rate of wage until the six months' period is out? They have a right to strike at the end of that six months' period anyhow.

Mr. BORAH. Mr. President—

Mr. UNDERWOOD. I yield to the Senator, although I am anxious to conclude my remarks.

Mr. SIMMONS. The point I make, if the Senator will pardon me, is that the bill with section 6 in it would be so unsatisfactory to the labor people that I fear it might not prevent the strike.

Mr. UNDERWOOD. Mr. President, the men who represent the organized brotherhoods of labor on the railroads are men of intelligence. They are men of high character. They are men of standing. They are men of force of character. To say that those men would go out here and declare a strike against the Government of the United States enacting laws, it seems to me, is an absurd proposition. They might protest against our enacting a law. They might seek to hold you and me responsible for enacting a law; but to say that they would go out and declare a strike, with the accompanying burdens on the American people, because the Congress of the United States enacted some law that did not meet with their approval is an indictment of their intelligence and their integrity.

Mr. President, I did not intend to occupy all this time. I am glad to yield to my brother Senators, but I am anxious to conclude my argument, and I have not yet had an opportunity to state why I believe section 6 ought to be incorporated in this bill.

It is not only the men who are interested in this question of wage; it is the public. The question of railway pay is of vital interest to the man who earns his daily bread as a trainman on these roads. It is of some interest to the stockholder, because it may affect his dividends; but it is a vital question to the industrial life of this Nation. There are a million men in this country directly involved. There are 99,000,000 people who are interested in the great question of uninterrupted transportation of their freight and uninterrupted conduct of their business. These men have a right to a day in court. They have a right to a higher wage if they make out a proper case; but the American people have a right to try to prevent a strike and congested railroad conditions if possible. More than that, the great shipping public is also interested in this wage scale, because if it is put too high it is an unjust burden on their transportation; if it is put too low, it is an injustice to the men who earn their wage in the railroad systems. Do we want to continue the system of arbitrarily submitting this matter to the decision of the two interested parties, with 100,000,000 of American people who have the most at stake entirely left out?

Mr. HUGHES. Mr. President, while I was necessarily absent from the Chamber the Senator may have touched upon what I regard as the absolutely vital point in this section. If he has, then I apologize to him, and I will not insist that he answer my question. But if he has not, then I should like to have him state to me how he expects, under the Constitution and under the laws and under what we all regard as right and proper, that we can attempt to legislate so that any body—the Interstate Commerce Commission or any other body—shall have the right to prescribe wages? If they have a right to prescribe wages, of course, they necessarily have a right to say that men must work for those wages.

Mr. UNDERWOOD. Oh, no. The second conclusion is all wrong. My friend's first conclusion is right. We are in this bill, for six months or possibly a year, prescribing a wage—not a wage that exists to-day, but a wage that must be paid; no more, no less. The very terms of the eight-hour bill prescribe the rate of wage on these railroads for the next six months or possibly a year.

Mr. HUGHES. What is the Senator's proposition if the men involved refuse to accept that wage?

Mr. UNDERWOOD. Why, if the men involved refuse to accept this wage, they walk out and quit. There is no compulsion here.

Mr. HUGHES. Then why should we not say "recommend" rather than "prescribe"? The Senator is using the language that has been used with reference to a rate which we have a right to enforce.

Mr. UNDERWOOD. Oh, well, I think my friend from New Jersey, for whom I have the greatest respect and the greatest consideration, is backing off from this question because it is new.

Mr. HUGHES. No; the language is not new. The language is old, and it is used with reference to something we have a right to enforce.

Mr. UNDERWOOD. I know; but I do not care whether you say "make the wage," "prescribe the wage," or "fix the wage." I am not wedded to any particular language in this matter.

Mr. HUGHES. Then we do not differ.

Mr. UNDERWOOD. I am not catching in the bark. I want to bring about a result. The facts do not differ. We prescribe the wage of our employees that we see around here. What rights have they? That page gets his wage fixed by law. If he does not want the job he can quit it, but if he wants to keep the job he must accept the wage that is fixed unless he comes to us and has us refix the amount of the wage. We fix the amount of wage or prescribe the amount of wage for thousands of men in this country, employees of the Federal Government. In fact, the law prescribes our own wages. As it is to-day, the wages on these railroads may be determined by mutual consent of the brotherhoods and the railroad management in some cases, not in reference to all the employees; but whether that is the case or not, the railroad directors and the railroad presidents in the last analysis are prescribing or fixing the wage to-day, and the individual who wants to sit on an engine and run it must accept or reject that wage. That is all he has to do. He can not change it.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. UNDERWOOD. I yield.

Mr. BORAH. I have been interested during the very interesting discussion of the Senator to know if this is the beginning of wage fixing either by Congress or through a commission for the employees of railroad companies?

Mr. UNDERWOOD. Well, I do not think this will be the beginning. It will be the end of it, because if section 6 goes in it gives full authority to the Interstate Commerce Commission to fix the rate of wage for every employee of the railroad from the president down to the trackmen.

Mr. BORAH. Exactly; that is precisely what I asked. The commission which is appointed under the bill to serve for a term of six months to gather material, and so forth, I presume is gathering it for some purpose, and the purpose is, I presume, to either have Congress fix the wage or to have some commission fix the wage. So the bill seems to contemplate the proposition that we are entering upon the question of fixing wages for the employees of railroad companies either through an act of Congress, as we are doing to-day, or proposing to do it through some commission such as the Senator from Alabama suggests.

Mr. UNDERWOOD. Undoubtedly. The so-called eight-hour-day wage provision carries us right up to the door, it leads us to the very point, and unless we are going to throw it aside at the end of six months and say we have spent the money for nothing, we at the end of six months will march right up to the door under our own legislation and say we will make this wage permanent and fix it permanently in one way or another or give authority to somebody else to do it. We can not assure the American people any further who is to fix that wage.

Mr. BORAH. And who is going to enforce it?

Mr. UNDERWOOD. And who is going to enforce it. There is nothing compulsory in the bill.

Mr. STONE. I should like to ask the Senator who would enforce it.

Mr. UNDERWOOD. As far as the bill stands to-day, there is no power under the Government of the United States to enforce it except the power of public sentiment, and I think that is all that is necessary. Rather than have a great strike and involve this whole country in a calamity I would go a long ways to prevent it, but I do not believe in marching around the country with a big stick. I do not believe in the mailed fist. I believe in giving the utmost liberty and freedom of action to free men and to persuade them in the interest of their fellow men to act in the interest of their fellow men rather than to compel them.

There is a very persuasive proposition in this bill. If we pass the bill as it is, and the men engaged in railroad work are not satisfied they can strike or they can petition the Interstate Commerce Commission for a higher rate of wage. Which position would they be justified in, in the light of public opinion? When they had a court in which they could file their petition for a higher wage and a fair trial, would public opinion justify them to strike or would public opinion say, "First go to that court of arbitration, that disinterested court, established by the Government, and see if they will not raise the wage." Do you suppose the men who toll on the railroads would justify any of their leaders in carrying them into a strike until they had made the effort to secure their rights by peaceful means?

Mr. HUGHES. Mr. President—



Mr. UNDERWOOD. In just one minute. Do you suppose the public would justify for a minute the carrying on of a strike until they had exhausted their rights by peaceful means? If they carried their appeal into the commission, and the commission heard both sides of the case and found the verdict as to what was fair and just, I believe that would be a final settlement of the case. If in the end it does not turn out, in the light of public opinion, after establishing a fair tribunal for these men, that we can settle this question in that way, then it is time enough for Congress to determine whether it is necessary to put other legislation on the statute books to insure the uninterrupted passage of the commerce of the country. I yield to the Senator from New Jersey.

Mr. HUGHES. I will ask the Senator if he has any objection to the substitution of the word "recommend" for the word "prescribe," in line 19 of section 6, and then to change the paragraph to accord with that amendment?

Mr. UNDERWOOD. To whom does the Senator propose the Interstate Commerce Commission shall make recommendation?

Mr. HUGHES. To Congress or the President. The Senator can have his own way about that.

Mr. UNDERWOOD. This is a new question. We are wading out into a new field. I think this legislation is absolutely necessary for the industrial peace of the Nation. I have no desire to go too far or too fast. Of course, the Senator from Nevada is in charge of the bill, and, although I prepared section 6, and I am perfectly willing to take the full responsibility for preparing it, I must yield, of course, to the desire and wish of the chairman of the committee; but I will say to my friend from New Jersey that before the passage of the bill he can move an amendment to meet a view that seems to him to be more reasonable and in judgment is less drastic, and, as far as I am individually concerned, I am willing to consent to it, because I merely want to march to a determination of this question by a great tribunal of arbitration instead of letting it rest where it is to-day, in the courts.

Mr. HUGHES. I will say to the Senator that I am heartily in sympathy with what he has just said, and a day or two ago while we were discussing this matter in a tentative sort of a way I made the suggestion that it would be perfectly in accord with my notion of what is right and proper to have the Interstate Commerce Commission suggest or recommend hours of labor or suggest or recommend rates of wages. I do not know any body of men—

Mr. UNDERWOOD. I suggest to my friend from New Jersey that the bill will be here an hour or more before it is passed and that when I finish these cursory remarks I would be glad to consult with him and see if we can agree on an amendment, with the consent of the Senator from Nevada, who has charge of the bill.

Mr. HUGHES. That is agreeable to me.

Mr. UNDERWOOD. Mr. President, if I can proceed without interruption just a few minutes, I will close. I say we owe it to the shippers of the country, to the American people, not to leave this legislation in doubt. You can pass this so-called eight-hour-day compromise and say we are coming back here next winter and pass affirmative legislation. You may do it and you may not.

The American people understand this legislative situation just as well as you and I do. We know that this bill is before us for consideration, and we can fix the terms of the future now, if we have a majority in Congress to do it. But we know that if we let it go by without fixing the terms for the future, we may or may not do it when next winter comes. We know that it has then to go through the doubtful passage of committee action, the doubtful question of being reached on the calendar, the doubtful passage of consideration. We all know that it is easier to kill a bill by 95 per cent than the 5 per cent in favor of its passage. I say that when you take the responsibility of making this concession to the men in the brotherhoods to stop this strike, they will get all the advantage of it when the commission comes to fix the wage, because it will be the adopted wage.

If we pass this law and send it to the commission at this time, when the time comes for them to take up the eight-hour day of fixing the wage it will be the adopted eight-hour. It will be the one recognized at that time. It will have all the technical advantage of that situation, whereas, if you do not put that in here, let the 6 or 12 months of the investigation run by, and they are back to the same old fighting ground with the general managers of the railroads on one side of the line and they on the other struggling for what they call their rights.

I say the best security we can give to these railroad men for their rights is to give them a day in an honest court, for they

have their power in the courts as well as they have in this Congress. They are a powerful body of intelligent men; they will have their full right there as well as they have had it here. We have progressed to the point now where it is a question of here or there.

But if you pass this legislation increasing arbitrarily the rate without any consideration for the future, abandoning entirely the question of labor disputes, then the great shipping public are going to say to you, where were we represented in this legislation? What opportunity have we had for our rights in considering these questions? But, on the other hand, if we send it to the Interstate Commerce Commission and the same board will fix the rate of wages that fixes the rate for freight they can balance the equation, they can do justice to the men, fairness to the people of the United States, and once for all you will have removed this trouble from the railroad transportation companies of the land, peace and justice and fair play will come to remain with you and stay through the life of the Nation.

Mr. BRADY. I desire to ask the Senator a question relative to the latter part of section 6, on page 6, where it refers to the hours of labor. Commencing at line 4, on page 6, it reads:

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, prescribed by it on its own initiative, on the petition of the employees, the managers of the railroads, or the public.

That is the last paragraph of section 6. The title of the bill reads, "A bill to establish the eight-hour standard work-day for interstate transportation, and for other purposes."

Then, commencing in line 3, section 1 reads:

That beginning January 1, 1917, eight hours, in contracts for labor, be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce."

The balance of the section simply refers to what territory is covered. I am interested to know how the committee, or rather the Senators in charge of the bill, construe the words in line 5 of section 6 relative to the hours of labor. There is a positive enactment in the first section of the bill of an eight-hour day as the standard to be used in the contract. As I understand the language of section 6, it means that the passage of this bill transfers to the Interstate Commerce Commission the power to change the hours of labor. Is it the understanding of the committee that the bill provides that the Interstate Commerce Commission can do away with the 8-hour day and put it back to a 10-hour day?

Mr. UNDERWOOD. I will say to the Senator I stated a while ago. I do not know whether he was in the Chamber at the time, that the bill does not fix an eight-hour day. If it did, it would be in effect the legislation already on the statute books in reference to a day's wages. It does not fix an eight-hour day, but it fixes eight hours as a measure of compensation. Undoubtedly when this commission makes its report, the provision in reference to wage is gone. It does not need to be changed. It has gone off the statute books; it no longer exists. The officers and managers of the railroads can change the rate of wages to suit themselves. If we adopt section 6, at the end of that time the commission would have, within the reasonable power that they must stay within the law and within the act, the right to fix the wage up or down.

Mr. BRADY. The Senator does not understand that the Interstate Commerce Commission would have a legal right to change the eight-hour day as the basis for figuring a day's labor.

Mr. UNDERWOOD. They might not have the right to change the basis of eight hours, but they would have the right to fix not eight hours as the basis of wages.

The commission would have the right to fix something that is not in the statute and never has been fixed. They would have the right to fix a permanent eight-hour day practically or a permanent ten-hour day or a permanent five-hour day, if it was practicable; I doubt its practicability, because they are piece-workers. But as to the question of changing the rate of wage, the rate of wage is gone when the commission reports under this bill; it is no longer fixed by law; and then the commission would have the right to fix the wage as they saw fit just as the directors of a railroad would have a right to fix it as they saw fit when the commission makes its report and the limitation of the bill is passed.

Mr. BRADY. Personally I favor an eight-hour day, as I understand the Senator from Alabama does, under proper conditions.

Mr. UNDERWOOD. I have always voted for an eight-hour day.

Mr. BRADY. All the men and women in this country who work with their hands have been struggling for an eight-hour day. Unorganized labor has been hoping that the hours of labor may be reduced. Organized labor has been contesting for 30 years for an eight-hour day. Now they seem to have reached the goal, and we are enacting into law what they have been working for during all these years. I am in favor of giving an eight-hour day under proper rules and regulations; but I am not in favor of enacting a bill that on its passage will transfer from Congress the right to change the hours of labor, transferring that power from the United States Senate, a body composed of 96 men, to a body of 7 men composing a commission, in which the laboring men of the United States have at times shown a lack of confidence.

Section 1 of the bill reads:

Eight hours shall be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons who are now or may hereafter be employed by any common carrier by railroad.

And then section 6 we give to the Interstate Commerce Commission the power to change from time to time the hours of labor and put the standard of time for a day's work back to where it was before this law was enacted, or make the hours of toil longer if they are disposed to do so.

I do not believe we should enact legislation that would permit the hours of labor to be fixed or changed by any board or commission. If we pass a law providing for an eight-hour day it should not be changed or amended except by act of Congress.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BRADY. I yield to the Senator from Iowa.

Mr. CUMMINS. It is possible that the Senator from Alabama [Mr. UNDERWOOD] did not fully understand the question put by the Senator from Idaho [Mr. BRADY]; at least, it did not seem to me that he answered it from the point of view, at any rate, that I hold. The Senator from Idaho will notice that in the first line of the proposed measure it is provided that after the 1st of January, "eight hours, in contracts for labor," shall "be deemed a day's work and the measure or standard for the purpose of reckoning the compensation for services of all persons."

It is plain that this part of the bill contemplates a contract between the employee and the employer; and it is declared that in that contract of labor, specifying the hours of labor, eight hours shall be adopted as the basis for compensation; but when the Interstate Commerce Commission takes possession of the subject, if it ever does, and prescribes the hours of labor and the wages, there will be no contract between the employer and the employee, so far as either wages or hours of labor are concerned; and the Senator from Idaho is quite right. The effect of section 6, if it has any, will be to repeal section 1 in that regard, for it substitutes the imperative judgment of the Government with regard to hours of labor and wages for the contracts for labor between the employer and the employee.

Mr. BRADY. The Senator from Iowa has given a great deal of study to this subject, and I want to ask him the direct question, Whether or not, in his judgment, the insertion in line 5 of page 6 of the words "the hours of labor" does not give the Interstate Commerce Commission the power to put the length of the day back to 10 hours? I believe in the old adage, eight hours for work, eight hours for sleep, and eight hours for rest and recreation. If we pass a law naming eight hours as a day's labor, I do not want that law to be changed by any board or commission, and I believe this section does give that power to the Interstate Commerce Commission, and I would like to have the Senator from Iowa express his opinion relative to this matter.

Mr. CUMMINS. Assuming that the section is adopted and that it is constitutional—and I have not the least idea that it will be adopted, and I have grave doubts about its constitutionality—it does entirely repeal section 1.

Mr. BRADY. That is my belief. For that reason, Mr. President, I desire at this time to offer an amendment, which reads as follows:

On page 6, in line 5, after the word "the," strike out the words "hours of labor and."

And I ask that it be printed and lie on the table.

Mr. NEWLANDS. Mr. President, I wish to announce that, whilst I greatly regret to put any Senators to inconvenience, it will be necessary to press the bill to a vote as rapidly as possible, and that I shall urge upon the Senate a continuous session.

Mr. GALLINGER. An evening session?

Mr. NEWLANDS. Yes.

Mr. CUMMINS. May I make an inquiry, in order to clear the atmosphere a little? We all understand that the other House is now voting upon a bill upon this subject; possibly the vote has been concluded, but I do not know.

Mr. KERN. The bill will be over here about 7 or half past 7 o'clock this evening.

Mr. CUMMINS. I think it is perfectly well understood—I will not say that possibly; but that is my understanding at least—that ultimately we intend to act upon the House bill and not upon the bill which has been introduced by the Senator from Nevada [Mr. NEWLANDS] and reported by him from the committee. We all understand also that the bill which is now being passed by the House has no such provision in it as section 6; that it is merely a plain declaration, such as is contained in sections 1, 2, and 3 of the Senate bill. I am sure there is no disposition upon this side of the Chamber to unduly delay the passage of any measure which our friends upon the Democratic side feel should be passed. There must, of course, be an opportunity given for every Member of the Senate to express his views upon this subject; but I have made some inquiry, and I think that will not require very much time. In view of all this, why should we not wait until we get the bill upon which we intend to act, and then take it up?

Mr. SIMMONS. Such a bill is now before the Senate.

Mr. THOMAS. We can substitute one bill for the other. Why not, then, go on and save time?

Mr. NEWLANDS. Mr. President, I will state, in the first place, there is no such understanding as that to which the Senator from Iowa [Mr. CUMMINS] refers, that the House bill is to be substituted for this bill. We do not yet know what the House bill is to be. I am told that it has already been amended in several particulars. So we have no understanding upon that score. Of course when the House bill comes over here, we shall give it due consideration; and, if it meets with the approval of the committee, the most expeditious way of disposing of this subject matter will be to pass the House bill.

Mr. GALLINGER. Mr. President, replying to the suggestion of the Senator from Nevada about a night session, I merely want to suggest that I hope that proposition will not be pressed. There is no disposition on this side of the Chamber to delay the consideration of this bill. Some of us think it is a bad bill, but responsibility for its passage will ultimately rest with the majority, and if the Senator from Nevada would agree to an early meeting of the Senate to-morrow—say 10 o'clock, if the Senator pleases—I feel sure that there will be no difficulty about reaching a vote on the bill in the afternoon of to-morrow. That certainly will answer every purpose so far as the bill becoming a law to-morrow is concerned.

Mr. NEWLANDS. The Senator from New Hampshire understands that the bill might have to go to conference. Would the Senator agree that we should have a vote on the bill by 2 o'clock on Saturday afternoon?

Mr. GALLINGER. I feel so confident in my own judgment that the bill will not go to conference that I do not take that into account.

Mr. NEWLANDS. I do not think it is safe to assume that at all.

Mr. SIMMONS. It is a very serious proposition.

Mr. STONE. Mr. President, I should like to ask my friend, the Senator from New Hampshire, a question. What objection can there be, in view of the anxiety of all of us to proceed to dispose of the business of the Senate, to sitting two or three hours to-night and getting rid of this bill?

Mr. GALLINGER. Mr. President, I have always observed that we make very little progress toward reaching a vote on a bill by holding night sessions, but as I am young, I shall be glad to come here this evening if it is ordered that we shall come.

Mr. STONE. Well, being myself young, I will come also.

Mr. GALLINGER. My own opinion is that we will not make very much progress by a night session. The Senator knows that we rarely ever accomplish anything at such session.

Mr. STONE. Will the Senator trust my judgment just once, when I say that if we will stay here to-night we will get rid of this bill?

Mr. GALLINGER. Possibly that might be so.

Mr. STONE. Just try it once.

Mr. GALLINGER. I dislike exceedingly to question the Senator's judgment, but my impression is that we will not get rid of the bill to-night. However, I am not going to be factious about the matter. Of course, the Senator from Nevada has this matter in charge, and if the Senator from Nevada feels that we ought to have a night session, he has votes enough on the other side of the Chamber to order it, and I think he will not find any factious opposition on this side. I merely made the suggestion



from the abundance of experience that we make little progress in calling Senators here in night sessions. That has been my observation in the past, but, as I have said, I shall not raise any factious opposition to any action which the majority think they ought to take.

Mr. NEWLANDS. Could unanimous consent be secured to take a vote on the bill and all amendments at 3 o'clock or 4 o'clock to-morrow?

Mr. BORAH. It could, provided there is a division of time as to the debate; otherwise not.

Mr. NEWLANDS. What would the Senator suggest regarding that?

Mr. BORAH. I would suggest that no Senator be permitted to speak on the bill more than once.

Mr. CUMMINS. Mr. President, a division of time among all the Senators is absolutely impossible.

Mr. GALLINGER. That is true.

Mr. CUMMINS. But it is very easy to limit the time that any Senator shall speak and to provide that he shall speak but once.

Mr. SMOOT. Mr. President, would the Senator from Nevada object to taking a recess until 7 o'clock and then coming back at 7 and holding a night session?

Mr. NEWLANDS. No; I will not object to that.

Mr. CUMMINS. Why not make it 7.30?

Mr. SMOOT. It is only half past 5 now. However, 7.30 would probably be a better hour.

Mr. NEWLANDS. There is insistence upon an executive session, and I will suggest that at not later than 6 o'clock we take a recess until 8 o'clock.

Mr. GALLINGER. That is better.

Mr. CUMMINS. Then the bill from the House will be here.

Mr. SMOOT. The bill will not come over from the House until about 7.30, and meeting at 8 o'clock will give us plenty of time.

Mr. GALLINGER. That is better. Then I suggest that at the night session the Senator from Nevada might make the suggestion he made a moment ago as to fixing a time for voting on the bill to-morrow; but it ought to be safeguarded along the line suggested by the Senator from Idaho [Mr. BORAH] by providing that more than one speech shall not be made by any one Senator, and the time to be occupied by each Senator might also be limited.

Mr. THOMAS. A limit of half an hour would give ample time, I think.

Mr. SIMMONS. Let speeches be limited to half an hour.

Mr. BORAH. That is satisfactory to me.

Mr. NEWLANDS. I will be prepared to make a suggestion at 8 o'clock, when the Senate reassembles.

Mr. GALLINGER. If speeches are limited to half an hour, I think it will give every Senator who desires to speak an opportunity to do so.

Mr. SIMMONS. I want to suggest to the Senator from Nevada that, in my judgment, it would be well to go on until 9 o'clock to-night and then adjourn until to-morrow under a unanimous-consent agreement as to a time for voting. I think that would be better than to come back here at 8 o'clock and stay until 10 or 11, because when we come back at 8, unless we do stay until 10 or 11, we will not accomplish anything by the night session; but if we continue in session now we will have the House bill by 7 o'clock, and, if not, we will know what is in it; and by 9 o'clock we will have given an opportunity for discussion, and can come back at, say, 10 o'clock in the morning and vote at 2 o'clock in the afternoon.

Mr. NEWLANDS. I have already indicated my assent to a recess until 8 o'clock.

Mr. GALLINGER. I think that is the better way.

Mr. NEWLANDS. I ask unanimous consent that at not later than 6 o'clock the Senate take a recess until 8 o'clock to-night.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 17645) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1916, and prior fiscal years, and for other purposes, to report it with amendments, and I submit a report (No. 858) thereon.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

#### EXECUTIVE SESSION.

Mr. STONE. At the request of several Senators, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in

executive session the doors were reopened, and, under the order previously made, the Senate (at 5 o'clock and 40 minutes p. m.) took a recess until this evening at 8 o'clock.

#### EVENING SESSION.

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, in which it requested the concurrence of the Senate.

#### PROPOSED RAILROAD LEGISLATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6981) to establish the eight-hour standard-workday in interstate transportation, and for other purposes.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If no amendment be offered to the bill—

Mr. PITTMAN. I offer as an amendment to the pending bill the bill which has just come from the other House, to strike out all after the enacting clause—

Mr. GALLINGER. That bill is not yet before the Senate.

The PRESIDENT pro tempore. The Senator from Nevada can offer the same matter; necessarily he could not offer the bill.

Mr. PITTMAN. I said that I offer the matter in the bill.

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. PITTMAN. I move as an amendment to the pending bill that all after the enacting clause be stricken out and that the matter contained in the bill which has just been received from the other House be substituted therefor.

Mr. GALLINGER. Pending that motion, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Norris	Smith, Md.
Borah	Gronna	Overman	Smith, S. C.
Brady	Husting	Owen	Smoot
Bryan	Jones	Page	Swanson
Chamberlain	Kenyon	Penrose	Taggart
Chilton	Kern	Pittman	Thomas
Clapp	La Follette	Ransdell	Thompson
Clarke, Ark.	Lane	Reed	Underwood
Cole	McCumber	Robinson	Vardaman
Cummins	McLean	Shafroth	Warren
Curtis	Martin, Va.	Sheppard	
Dillingham	Myers	Sherman	
Fletcher	Newlands	Smith, Ga.	

Mr. SHEPARD. I wish to announce that my colleague, the senior Senator from Texas [Mr. CULBERSON], is unavoidably absent.

The PRESIDENT pro tempore. Forty-nine Senators have answered to the roll call. A quorum of the Senate is present.

Mr. PITTMAN. Before presenting the motion in regular form, as it should be presented, I ask unanimous consent that the pending unfinished business be temporarily laid aside and that upon the handing down of House bill 17700 we proceed to the consideration of that bill.

Mr. PENROSE. What is the bill? We do not know these bills by numbers. Will the Senator read the title?

Mr. PITTMAN. I will say that there has just been received from the House the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. GALLINGER. I ask that the bill be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the pending measure be laid aside temporarily and that the Senate by unanimous consent proceed to consider House bill 17700, which the President pro tempore presents to the Senate.

Mr. GALLINGER. I object to that.

Mr. PITTMAN. That being objected to, I move that the pending bill be amended by striking out all after the enacting clause and inserting the following language, commencing at line 3.

The PRESIDENT pro tempore. The Senator will send his amendment to the desk and it will be read. In the meantime the Chair lays before the Senate the bill from the House of Representatives.

The SECRETARY. A bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

Mr. NEWLANDS. I ask unanimous consent that the House bill be taken up for consideration.

The PRESIDENT pro tempore. A request has just been made by the junior Senator from Nevada [Mr. PITTMAN] for that very purpose and it was denied. However, it can be submitted again. Is there objection?

Mr. GALLINGER. I will ask that the bill first be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

An act (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

*Be it enacted, etc.,* That beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees who are now or may hereafter be employed by any common carrier by railroad, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of the act of February 4, 1887, entitled "An act to regulate commerce," as amended, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding 100 miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided,* That the above exceptions shall not apply to railroads though less than 100 miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads or between railroads and industrial plants.

SEC. 2. That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday as above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months, in the discretion of the commission, and within 30 days thereafter such commission shall report its findings to the President and Congress; that each member of the commission created under the provisions of this act shall receive such compensation as may be fixed by the President. That the sum of \$25,000, or so much thereof as may be necessary, be, and hereby is, appropriated, out of any money in the United States Treasury not otherwise appropriated, for the necessary and proper expenses incurred in connection with the work of such commission, including salaries, per diem, traveling expenses of members and employees, and rent, furniture, office fixtures and supplies, books, salaries, and other necessary expenses, the same to be approved by the chairman of said commission and audited by the proper accounting officers of the Treasury.

SEC. 3. That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

SEC. 4. That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent that the pending Senate bill may be laid aside and that the bill just read may be considered without the formality of its reference to the committee. Is there objection?

Mr. GALLINGER. Mr. President, when that request was made by another Senator I objected. The chairman of the committee having now made it, and the bill having been read, I have no objection.

The PRESIDENT pro tempore. There being no objection, the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. NEWLANDS. Mr. President, I wish to state in reference to this bill that I greatly regret that the legislation of Congress is not now about to take the full and complete form hoped for and recommended by the President of the United States in his address. The proposals of the President of the United States were balanced proposals, such balance as any partial carrying out of his recommendations lacks.

The President proposed not only that there should be a temporary recognition of the 8-hour day and the grant of a 10-hour wage for an 8-hour day as a matter of experience and of experiment and of facts ascertained, upon which we could afterwards act, but whilst conceding that legislation to the great forces of the country that have been marshaled in an effort to paralyze its commerce, he on the other side proposed to recognize the just rights of the investors in these properties, who were subjected suddenly, according to their claims, to an increased yearly burden of from \$50,000,000 to \$100,000,000, demanded that the subject should be investigated and determined by voluntary arbitration.

So the President proposed an investigating commission which could ascertain the facts and report them to Congress; and not only that, but that the facts themselves should be laid before the Interstate Commerce Commission and have such influence as they deserved upon their judgment in the matter of the regulation of the rates and the consequent determination of the income of the various companies which were subjected to this additional burden. He yielded to a demand which refused would have resulted in civil war, but at the same time he sought to give the proper guaranty to the great corporations, insistent that they were being subjected to an unjust burden. He thus held the balance even between the two, or as evenly between the two as the circumstances would permit. He did not shrink from the issue of affording the machinery by which this determination could be made. He did not shrink from declaring that action should be taken by the regulating body if the facts warranted. He had the courage to face the shipping and consuming public and to say to them it is possible that this may result in an increased burden upon you, and he did not shrink the issue, as Congress has, by leaving that an undetermined question.

What else, as a matter of balanced legislation, did he urge? The adoption of legislation which would prevent future emergencies of this kind. He proposed that inasmuch as society had never yet secured a means by which reason instead of force should prevail in the determination of contests between capital and labor, between the employers and the employed, thus turning over the employed to the exercise of collective force as their only weapon of defense, society should act upon that question by creating a tribunal which whenever a controversy arose in interstate commerce between employer and employed should ascertain the facts with a view to informing public opinion, that public opinion which always in the end really renders judgment as between these two contending forces. He proposed, and he had the courage to propose, that, whilst that investigation was pending, the privilege to labor to strike and the privilege to the employer to lock out, should be stayed by law until the facts should be laid before the public, who were to sit in judgment, and finally to enter their decree, through that public opinion which finally controls everywhere in the United States. It was perhaps running a risk for him to declare this. The employees, the workers of the country, struggling for years against the traditional powers of employers to control the job, have relied in the conditions of barbarism, which we have permitted to exist, upon the strike as the only weapon of defense. They have been jealous of the maintenance of that defensive weapon, and unwilling to impair in any way its use, realizing that, so long as the present condition of barbarism remains, force alone would ultimately determine the conflict, and that unless they could have a union of forces, the individual laborer was powerless as against the union of capital; and he had the courage, referring to that weapon which the laboring forces of the country had so carefully guarded, to declare that during this period of investigation, and until a report of the facts should be made, the privilege of the strike should be stayed and the strike should be declared unlawful. He had the courage to do that when an election was approaching and when the votes of the workers throughout the country were a matter of serious concern to every candidate.

Mr. President, that was a courageous, and, under the circumstances, a wise proposal; just to all the conflicting interests and the contending interests of society, and bound in the end to result in the substitution of reason for force in the determination of these great controversies. Congress has shirked and will shirk the issue.

Mr. BORAH. Mr. President—

Mr. NEWLANDS. Permit me to conclude my statement.

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. If the Senator will permit me to conclude my statement, I shall then answer any interrogation.

The PRESIDENT pro tempore. The Senator from Nevada declines to yield.

Mr. NEWLANDS. Mr. President, perhaps I am unduly severe in my strictures upon Congress, composed of officeholders who in the next campaign will largely be office seekers, and who do not wish to encounter too serious complications in their campaigns.

It may be that the questions raised were of such magnitude and importance as to require careful consideration, long study, deliberate judgment; and I think it might have been better if I had dwelt upon that phase of the question rather than upon the former; but the fact remains that we are not prepared to meet the issues that Woodrow Wilson is prepared to meet, and



the legislation, which this controversy teaches is necessary, must be postponed to another day. God grant that when that day comes we can be as conscious of the perils of the barbarism that prevails to-day in our legislation as we now are; that we will not sink into apathy and inertia, and that in the breathing spell which this truce affords us we can apply our reason and our judgment and our deliberation to some scheme of legislation which will rescue us from that condition of barbarism which afflicts the world internationally through the absence of some tribunal before which contending parties, hot with passion, can be heard, with the power and the capacity and the judgment to so determine questions as to avert resort to force, thus completing the system of law and order which we proudly claim prevails in this the favored country of the world, and which we hope will sometimes prevail as between the struggling nations of the earth. I now yield to the Senator from Idaho.

Mr. UNDERWOOD. Mr. President, I do not intend to take up the time of the Senate with any further debate, as I discussed the question fully this afternoon. The House bill that has been substituted for the Senate bill has no provision in it in reference to arbitration. The Senate bill in section 6 preserved the great system of arbitration in this country in reference to questions of wage by a provision that allowed the Interstate Commerce Commission to fix the hours of labor and rates of pay. In order that the matter may be before the Senate for consideration, I offer as an amendment to the House bill section 6 of the Senate bill with a slight modification and ask that it be stated.

The PRESIDENT pro tempore. The Senator from Alabama offers an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 5. That the Interstate Commerce Commission shall have the power to fix the hours of labor and determine just and reasonable wages for all employees of the railroads named in section 1 of this act. The rate of wages and the hours of labor provided for in this act shall remain fixed for service and pay until changed by the decision of the Interstate Commerce Commission, which, within a period of not less than 6 nor more than 12 months from the passage of this act, shall determine what are just and reasonable wages and what shall be the hours of labor for all employees of the railroads above mentioned.

The Interstate Commerce Commission shall have the power from time to time to change the hours of labor and the rate of wages for all employees of the railroads named in section 1 of this act, either in whole or in part, upon its own initiative, on the petition of the employees, the managers of the railroads, or the public.

Mr. THOMAS. Mr. President, I have listened this afternoon with intense interest to everything which was said upon the subject now under discussion, and I was particularly impressed with the remarks which have just been submitted by the chairman of the Interstate Commerce Committee [Mr. NEWLANDS] having the bill in charge.

On Monday last the President, in consultation with the steering committee of the majority of the Senate, submitted a program, which was the next day outlined in the message which he delivered to the joint session of the Congress. It was a program deliberately prepared by the President and his advisers as the best that could be offered to meet the national exigency then impending; and, as the Senator from Nevada has said, it was offered as a program designed to be complete, the component parts of which were to be the basis of such needed legislation as might be speedily accomplished.

The Senator from Alabama [Mr. UNDERWOOD] called attention to the preparation and submission by the Department of Justice to the committee of as many bills as were suggested in the message and, of course, designed to be considered and, if possible, recommended for enactment.

It was a matter, Mr. President, of great disappointment to me that the bill submitted by the committee this afternoon practically covered but one of the subjects which the President deemed of so much importance, and that subject one which designates as a sort of yard measure eight hours of time as the basis in contracts for labor and as the standard for reckoning compensation for services.

The bill also contained two other provisions, one of which was designed to prevent, by severe penalties, the willful delay, obstruction, or hindering of the operation of trains on roads mentioned in section 1 of the act, the other to invest the Interstate Commerce Commission with power to fix the hours of labor and prescribe just and reasonable wages; and, Mr. President, it is either that or the briefer House bill, now under consideration, that will probably be enacted if any legislation is to be effected upon this subject within the next 24 hours. I regret, Mr. President, as I have before said, that we are thus confined in our legislation to the consideration of what seems to be a single subject, and that the enactment of a basis for fixing contracts for labor in the future, a very small por-

portion of the subjects believed by the President to be demanded by the situation now confronting us.

The President, in his message, said:

Having failed to bring the parties to this critical controversy to an accommodation, therefore I turn to you, deeming it clearly our duty as public servants to leave nothing undone that we can do to safeguard the life and interests of the Nation. In the spirit of such a purpose I earnestly recommend the following legislation.

I shall not detain the Senate by reading the program which the President then outlined. With that the Senate is familiar; but he continued:

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by record of a court of law in order that their interpretation and enforcement may lie, not with one of the parties to the arbitration, but with an impartial and authoritative tribunal.

These things I urge upon you, not in haste or merely as a means of meeting a present emergency, but as permanent and necessary additions to the law of the land, suggested, indeed, by circumstances we had hoped never to see, but imperative as well as just, if such emergencies are to be prevented in the future. I feel that no extended argument is needed to commend them to your favorable consideration. They demonstrate themselves. The time and the occasion only give emphasis to their importance. We need them now and we shall continue to need them.

Mr. President, if the estimate of the Senator from Alabama [Mr. UNDERWOOD] of the bill reported by the committee of which he is a member be correct, it can be considered as a mere temporary measure only, and designed to avoid for the time being the crisis now threatening the industries of the entire Nation, and practically expiring by the limitation of nine months or thereabout upon it. If that be true—and I am not prepared to say it is not true, although my reading of the bill would lead me to a somewhat different conclusion—then the fact remains that not a single recommendation of the President has been reported for the consideration of the Senate, but that a temporary measure having some of the features of one of them is before us for consideration.

Mr. President, if that be so, and we now pass nothing but an eight-hour provision, we may be reproached with legislating to tide a great crisis over a presidential election upon the assumption that the interval will be utilized by Members of Congress in the investigation of all subjects connected with the situation, to the end that before the period shall have expired other and more permanent and intelligible legislation will be placed upon the statute books. I hope that may be so, because I shall, as a matter of course, join with my associates in whatever legislation may be by the majority be deemed essential for this time. But I apprehend that we shall do nothing further until again compelled to do so.

I can not avoid referring here to another subject discussed by the Senator from Alabama, and I think also referred to by the Senator from Nevada—that this legislation was demanded by certain great labor organizations as the alternative of a strike called for next Monday, which would involve the entire transportation system of the Nation in its scope, thereby paralyzing by temporarily suspending the industrial energies of the Nation. Assuming that to be true, Mr. President, I believe it must be said that this is the first time that the Congress of the United States is legislating in pursuance of a semipublic bargain upon a great subject of widespread and national concern; and I greatly fear, if that be so, unless the legislation thus demanded is coupled with sanctions and guaranties that will make it effective, it may become, and that in the near future, a precedent for similar demands coming from other directions to which we must also yield for the same reasons, only again to postpone the day of the final wrath to come. That, Mr. President, is not wisdom; it is not statesmanship; it is not common sense; and, above all, it is not the proper discharge of the duties of the legislators of the people to the constituencies which sent them here.

I think, therefore, that the stricture of the Senator from Nevada is correct, that it is the Congress and not the President of the United States which is disposed at this time. I will not say to surrender to omnious demands, but to evade the tremendous responsibilities which we assumed with our election, and which in times of crisis above all others we should meet, and meet like men, without regard to consequences as to individuals or individual ambitions. I very much fear, too, that after this danger shall have passed away we will lapse into that same condition of indifference to which all men are prone in times of quiet and peaceful contentment.

I recall that last May the Senator from Nevada, in the discharge of his duty, fearful that this identical situation would be evolved from conditions then quite apparent, urged upon the attention of this body the necessity of adopting some anticipatory legislation which would enable us to meet, if indeed it would not avoid, the contingencies which then threatened, and which now justify the position which he then assumed. But,



Mr. President, we are a hopeful, optimistic people, and Members of Congress do not in that respect differ from other individuals. So, some of us listened to him and then went our way, indulging the hope, if not the assumption, that time in its evolutions would bring the subject to a satisfactory solution, and thereby make it unnecessary for us to exert ourselves concerning it.

Mr. BORAH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield, although I do not intend to speak very long, and I therefore hope I will not be interrupted.

The PRESIDENT pro tempore. The Senator yields.

Mr. THOMAS. I will yield to the Senator.

Mr. BORAH. I will not interrupt the Senator if he is not going to talk long.

Mr. THOMAS. I will yield to the Senator, but I do not intend to occupy the time of the Senate long.

Mr. BORAH. The Senator is assuming that this is the only bill which is to be brought before this Congress touching this subject matter.

Mr. THOMAS. No; not the Congress but the session.

Mr. BORAH. Well, during this session. Do I understand that this is the only measure touching this entire subject matter which we are going to be called upon to consider at this session?

Mr. THOMAS. Why, Mr. President, I am unable to answer that, as I am not a member of the committee. I know of no other bill.

Mr. BORAH. Why should the Senator from Colorado be so gloomy over the situation? Perhaps we will have another bill in here Monday to cover this exact situation.

Mr. THOMAS. If the Senator will assure me that it is the intention to bring in such a bill, I shall be very glad to know it.

Mr. BORAH. I assumed that it would hardly be practicable to put all these different measures in one bill, and that it was likely that we would be called upon to consider other measures covering different phases of the President's message.

Mr. THOMAS. Mr. President, we have passed a number of bills during this session which comprise a vastly greater number of subjects than those to which the President's message called attention. Indeed, it is becoming the custom, and not the exception, to embody in our supply bills practically all subjects of legislation coming within the constantly increasing jurisdiction of the Federal Congress. I think we would have ample time to consider the various subjects, interrelated and interwoven with each other, had they been brought at this time to the attention of Congress.

So much, however, for what my friend is pleased to call a gloomy view of the situation.

Now, Mr. President, I presume that if the Congress has the power which it has recently asserted to declare what class of persons may be permitted to manufacture goods entering into interstate commerce, it also has the right to legislate with regard to what shall be a day's labor and what shall be the compensation for that day's labor, in so far as matters of interstate commerce are concerned. To my mind, however, it is the exercise of a very dangerous authority, if, indeed, it exists at all, because the power to fix a day's labor at 8 hours necessarily carries with it the power to fix it at 16 hours, and the power to require the wages now paid for 10 hours to be applied to 8 hours carries with it also the power to require men to work 16 hours for 8 hours' wages. In a country like ours, where the shifting currents of public opinion which always control public action are first in one direction and then in another, precedents resorted to in crises or occasionally may, even in the near future, rise to plague those who invoked their exercise.

We know, Mr. President, that first one and then another political party controls the affairs of this Republic; that they come and go because of the rise and the fall of policies and of principles through the operation of those tremendous forces which constitute the driving power in legislation, and ever resorting to precedents for the accomplishment of their purposes. So that I am not at all sure that, even granting the existence of such an authority, it is the part of wisdom and of caution to resort to it too hastily. But here, since it is the alternative to a condition which we must avoid, and since the trend of legislation is constantly in the direction of an extension of Federal authority, we may be pardoned for resolving the doubt in favor of what seems to be the general demand and of acting accordingly.

But, Mr. President, it seems to me that that provision of section 3 of the Senate bill which prohibits, under penalties, interference with the operation of trains moving in interstate com-

merce should go with this legislation, so that there shall be some sanction in the law giving assurance to the public that the grant of the concession will permanently tend to end the difficulty. Much has been said here about compulsory arbitration, in which I do not believe. Indeed, it has always seemed to me to be a contradiction in terms, since arbitration as distinguished from litigation is generally the result of consent and of mutual agreement as distinguished from compulsion. But certainly compulsory arbitration is no more undesirable than compulsory legislation; yet we are now engaged in passing an act of compulsory legislation, which to become effective and which without such compulsion, as I have said, should carry with it some requirements which guarantees the security of the future.

Mr. President, it is an undeniable fact that in the United States, on the one hand, great, overshadowing and far-reaching combinations, dominating all human energies, have been allowed to come into existence, to develop, and to reach their present enormous proportions; on the other hand, labor unions, from small beginnings, have developed and expanded until they, too, spread over the surface of the continent; and the differences frequently arising between the two—as the employer and the employed—are assuming national proportions and becoming vast national issues, forcing all other issues, however important, aside and concentrating the attention of thoughtful men upon the consequences involved in the threatened final and irreconcilable disagreement between the two. These huge Frankensteins, now practically beyond the control of the Government, now confront each other upon an issue in which one demands much and the other concedes nothing, and are about to grapple, thus involving not only the industries of the country but the very peace if not the foundations of society, require that the Government, in legislation of this kind, when making concessions should also arm the President and the other authorities with power to determine, for the peace and welfare of society, how these questions shall be settled and the extent to which the settlement shall be enforced.

It may be said that this is impossible regardless of the nature of legislation or the care and deliberation with which it may be conceived and enacted; but to my mind it is the supreme question of modern politics in America. It is the one great issue of this as it may be of the next generation, whether modern combinations are stronger than the Government; whether the Government is unwilling or unable to discharge the responsibilities which these new conditions place upon it. To my mind there is but one solution of this tremendous problem beyond that of a resort to force, which I trust in God may never be necessary. Mr. President, my experience is that when the sober second thought of the average citizen takes possession of him, and he reviews and realizes the consequences of extremes and feels his sense of responsibility to his country and the interest which he has in it, I can well entertain the hope that there never will be other than a peaceful solution of these differences, however imminent or menacing they may at times appear.

Mr. President, I have said that I believed there was but one solution of this sinister problem. I do not think it can be found in section 6 of the Senate bill—so ably championed by the Senator from Alabama [Mr. UNDERWOOD]—because, although we give to the Interstate Commerce Commission all the power and all the jurisdiction contemplated by that section there is lacking the element essential to the enforcement of its decrees. The power of the courts in the last resort, Mr. President, is the armed force of the country. The commission is not a court, although sometimes exercising quasi-judicial powers. This section does not pretend in any manner, not in the slightest degree, to determine how or in what manner the orders that are to be made under it, if jurisdiction were extended to that tribunal, may be enforced, and their various details observed.

Mr. President, in this connection I am justified in again reminding the Senate that this situation is the outgrowth—the logical outgrowth, the necessary outgrowth—of the original surrender to private hands by the people of the United States of the great business of transportation.

The Senator from Alabama very justly called attention to the absolute dependence of our economic and social life upon the great systems of transportation. He well likened our arteries of commerce to those of the human system and spoke truly when he said that death ensued from any serious interruption of the circulation of either. And yet, Mr. President, because of the surrender of this great public agency into private hands, five or six men now controlling it may stand between the acceptance of an offer of compromise and the welfare and the well-being of 100,000,000 people.

Mr. President, no such power in any other country was ever delegated to a few private citizens. No other country would



permit a great element of government to be used for selfish purposes as it has been so constantly used here. Those clothed with it in America have manipulated it in amassing colossal fortunes, in emitting huge volumes of fictitious wealth in the shape of watered stock, and in wresting compensation from the consumers, that profit may be realized upon a so-called capital having no basis more substantial than the circumambient air.

We will avoid troubles like that we now consider only when the Nation reasserts its power and control over its lines of transportation, these huge arteries of commerce, these absolutely essential systems without which our national life is impossible. When these brotherhoods become the employees of the Nation, subject to its laws and to its orders, the people will be freed from the menace of starvation, suffering, misery, and disorder which flow from the clash of private interests, which can not be reconciled by peaceful methods.

On the first day of the present session of Congress I introduced for the accomplishment of this purpose Senate bill 18, entitled "A bill to provide for the establishment of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes," prepared by one of the most noted lawyers of America, a lawyer and a gentleman who has given profound thought to the subject, who has for years been the legal representative of some of the great corporations of the country, whose reflections and experience long ago warned him that the one solution of the problem of transportation, the one method of arriving at a settlement of the differences which are bound to arise between great combinations of men and great combinations of capital when engaged in a great public service, was in a modified but complete governmental control. He proposed to use as the basis of his scheme the Federal bank system, providing for the division of the country into districts and the establishment in each of them of a Federal corporation, taking over all the roads within their respective boundaries, the majority of the stock in which should be owned by the Government, and the control of which should be in boards of directors, a majority of whom would represent that interest. I shall ask that this bill be printed as a part of my remarks without reading.

The PRESIDENT pro tempore. Such will be the order, without objection. The Chair hears none.

The bill referred to is as follows:

A bill (S. 18) to provide for the establishment of Federal railroad companies, to establish a more effective supervision of railroads in the United States, and for other purposes.

Be it enacted, etc., That wherever the words "Federal railroad company" are used in this act the words shall be construed to refer to each of the five corporations to be organized under this act as herein provided.

The words "Federal railroad board" used in this act shall be construed to mean the board of six members herein provided for.

The words "Federal railroad board" used in this act shall be construed to be the head, at the seat of government, of an executive department to be known as the department of railroads, said head to be appointed by the President, by and with the advice and consent of the Senate. Said appointee shall receive a salary of \$12,000 per annum, and his term and tenure of office shall be uniform with other members of the Cabinet.

#### FEDERAL RAILROAD DISTRICTS.

SEC. 2. That continental United States, excluding Alaska, is hereby divided into five districts, to be known as New England railroad district, central railroad district, southern railroad district, northwestern railroad district, and central Pacific railroad district.

The New England railroad district shall include the New York, New Haven & Hartford Railroad system and all other railroads in New England not controlled by any railroad system in another Federal railroad district.

The central railroad district shall include the Pennsylvania Railroad system, New York Central Railroad system, Erie Railroad system, Baltimore & Ohio Railroad system, Chesapeake & Ohio Railroad system, and all other railroads in the States of Illinois, Indiana, Ohio, Michigan, Pennsylvania, New Jersey, and New York not controlled by any railroad system in another Federal railroad district.

The southern railroad district shall include the Southern Railroad system and Illinois Central Railroad system, and all other railroads in the States of Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, West Virginia, and Mississippi, and the District of Columbia not controlled by any railroad system in another Federal railroad district.

The northwestern railroad district shall include the Chicago, Milwaukee & St. Paul Railroad system; the Chicago & North Western Railroad system; the Northern Pacific Railroad system; the Great Northern Railroad system; and all other railroads in the States of Wisconsin, Minnesota, North Dakota, South Dakota, Montana, Wyoming, Idaho, Oregon, and Washington not controlled by any railroad system in another Federal railroad district.

The central Pacific railroad district shall include the Union Pacific Railroad system; the Atchison, Topeka & Santa Fe Railroad system; the Southern Pacific Railroad system; and all other railroads in the States of Iowa, Nebraska, Kansas, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Colorado, New Mexico, Arizona, Utah, Nevada, and California not controlled by any railroad system in another Federal railroad district.

Any question which may arise as to whether a particular railroad is included within any particular Federal railroad district shall be decided by the Federal railroad board.

#### FEDERAL RAILROAD COMPANIES.

SEC. 3. That the Federal railroad board shall supervise the organization in each of the said districts of a Federal railroad company by nine individuals in each district selected by the Federal railroad board, and thereupon such individuals in each district shall, under their seals, make an organization certificate which shall specifically state the name of such Federal railroad company, the territory, and extent of the district, as defined by State in section 2 of this act; the city and State in which its principal office is to be located in said district, the amount of capital stock (\$5,000), and the number of shares into which the same is divided (\$10 each), and the number of shares subscribed for by each incorporator (100). The said organization certificate shall be acknowledged before a judge of some court of record or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of said court or notary, transmitted to the secretary of railroads, who shall file, record, and preserve the same in his office. Upon the filing of such certificates with the secretary of railroads, as aforesaid, each of the said Federal railroad companies shall become a body corporate, and as such and in the name designated in such organization certificate shall have power—

First. To adopt and use a corporate seal; to have succession in perpetuity, unless it is sooner dissolved by an act of Congress, or unless its franchise becomes forfeited by some violation of law; to make contracts; to sue and to be sued in any court of law or equity; to appoint by its board of directors such officers and employees as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalty thereof, and to dismiss at pleasure such officers or employees; to prescribe by its board of directors by-laws, not inconsistent with law, regulating the manner in which its general business may be conducted, and the privileges granted to it by law may be exercised and enjoyed; to exercise such incidental powers as shall be necessary to carry out the purposes of this act.

Second. To acquire, hold, and exercise the power of ownership of any or all of the shares of the capital stock and bonds and other obligations of any or all railroad companies within its district as aforesaid; also to construct, acquire, maintain, and operate railroads within its district; also to issue shares of its capital stock from time to time, either for cash or in exchange for shares of stock or bonds or other obligations of any and all railroad corporations within its district, on such basis of exchange as may be authorized by its board of directors; also to issue shares of its capital stock from time to time for such purposes (including its own expenses and disbursements) connected with or incidental to the control, acquisition, construction, management, use, and development of railroads, railroad business, and railroad stocks, bonds, or other obligations already issued or hereafter to be issued by railroad companies within its district (including the issue of Federal railroad company stock, to provide money to enable any railroad company in its district to pay or purchase outstanding obligations or to pay for past or future improvements, equipment, or extensions, stock of such railroad company being issued to the Federal railroad company in consideration of such money), as may be determined by its board of directors; also to exercise the power, which is hereby given to it, of eminent domain, to acquire any shares of the capital stock of any and all railroad corporations within its district or to acquire any railroads themselves or railroad property or property for railroad purposes, in its district, whenever in its opinion it is necessary or advantageous to it to do so by condemnation under judicial process, and the United States district court or courts of the district wherein such stock or property is located shall have jurisdiction of proceedings for such condemnation. The practice, pleadings, forms, and modes of proceedings in causes arising under the provisions of this act shall conform as near as may be to the practice, pleadings, forms, and proceedings existing at the time in like causes in the courts of record of the State within which such district courts are held, any rule of the court to the contrary notwithstanding.

Third. To vote its own holdings of stock and to solicit proxies from other stockholders to vote their holdings of stock in any railroad corporation in its district, and such vote of such stock and proxies by the Federal railroad company for directors in said railroad corporation or corporations shall be limited to persons who shall have resided within the district for at least nine months in each of the five years prior to the election, and have been actively engaged during said five years in the district in commerce, agriculture, or some other industrial pursuit, or in the practice of a profession.

SEC. 4. At least six members of the board of directors of each Federal railroad company shall for at least nine months of each of the preceding two years have resided in the district in which he is chosen director. No Senator or Representative in Congress shall be an officer or director of a Federal railroad company. No director of a Federal railroad company shall be an officer, director, or employee of any railroad company. Any director of any Federal railroad company may be removed at any time for cause by the Federal railroad board. The board of directors of each Federal railroad company shall consist of nine members, three of whom shall be designated by the Federal railroad board and six of whom shall be selected by the stockholders of the Federal railroad company in meeting assembled. The first board of directors shall consist of the nine incorporators and shall hold office for six months after incorporation. Voting by proxy at an election of a Federal railroad company shall be allowed, but all proxies shall run to and be voted by the Federal railroad board free from instructions in voting such stock. The stock shall be voted as follows: The owner of 10 shares or less shall have 1 vote; the owner of from 10 to and including 49 shares shall have 2 votes; the owner of from 49 to and including 100 shares shall have 3 votes; the owner of from 100 to and including 200 shares shall have 4 votes; the owner of over 200 shares shall have 5 votes and no more. The directors of each Federal railroad company shall receive such compensation as the board of directors may determine in advance in each instance, subject to the approval of the Federal railroad board. The board of directors of each Federal railroad company shall at its first meeting (after its first board retires from office) designate three directors to serve one year from the next first day of January, and three for two years, and three for three years (one of the three directors named by the Federal railroad board to be in each class), and thereafter all directors shall hold office for three years. Vacancies in the board shall be filled by the remaining directors. Each Federal railroad company shall every three months make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress.

#### STOCK ISSUES AND GUARANTY OF DIVIDENDS.

SEC. 5. That the capital stock of each Federal railroad company shall be divided into shares of \$10 each. The outstanding capital stock may



be increased from time to time as authorized by the board of directors. When the capital stock of any Federal railroad company shall have been increased the board of directors shall cause to be executed a certificate to the Comptroller of the Currency showing the increase of capital stock. The shares shall be represented by certificates, which shall be transferable.

Sec. 6. That dividends on the stock of each Federal railroad company shall not exceed an amount fixed for each issue when made, such amount being the amount of dividend guaranteed by the United States Government as hereinafter provided.

Sec. 7. That the United States Government hereby guarantees the payment of dividends on the shares of the stock of the several Federal railroad companies to the amounts specified on the certificates for said stock as originally authorized by the board of directors of the particular Federal railroad company, and the Secretary of the Treasury is hereby authorized and directed to sign the name of the United States of America to a guaranty to that effect on the face of the certificates of stock issued by the corporation (the guaranty on canceled certificates to be canceled when the certificates are canceled by transfer), the form of said guaranty to be as follows (the rate of dividend guaranteed being filled in in each instance):

"The United States of America hereby guarantees to the record holder of this certificate of stock the payment by the Federal railroad company issuing the same — per cent annual dividends on the shares of the capital stock represented by this certificate, payable semiannually on the 1st days of January and July of each year after the date of this guaranty."

If at any time the United States of America by act of Congress ceases to pay said guaranty, the United States of America shall pay to the holders of said certificates of stock the price at which they were originally issued or the value at the time of issue of the property for which they were originally issued.

Sec. 8. That the United States Government shall be entitled to all the profits of the several Federal railroad companies in excess of said guaranteed dividends, and shall apply such excess profits to extensions and improvements, or purchase of railroad bonds or stock, or reduction of rates, or retirement of stock issued hereunder, or for any other purpose said Government may deem best in connection with the railroads.

Sec. 9. That national banks and Federal reserve banks may invest and deal in the shares of stock of the said Federal railroad companies, or any of them, and such shares may be transferred to and deposited with the Treasurer of the United States in lieu of United States bonds as prescribed by sections 5159 to 5189, inclusive, of the Revised Statutes of the United States as amended, and by section 4, subdivision 8, of the Federal reserve act, and may be deposited with the Treasurer of the United States as security for deposits by said Treasurer of funds of the United States in national banks, and may be deposited as security for and in accordance with the act of Congress of May 30, 1908, amending the national banking laws. The board of trustees established by act of Congress of June 25, 1910, to establish postal savings depositories may invest postal savings funds in such shares as securities of the United States within the meaning of that act. Said shares of the capital stock of said Federal railroad companies, or any of them, shall be receivable at par as a satisfactory collateral security for Federal reserve notes and as a reserve available as eligible paper under the Federal reserve act, and as investments by Federal reserve banks. Said Federal railroad companies, their stock and property, and the income to their stockholders from the guaranteed dividends, shall be exempt from Federal, State, and local taxation and license fees.

Sec. 10. That the Federal railroad companies shall proceed with all reasonable dispatch to acquire sufficient of the outstanding capital stock of the Pennsylvania; New York Central; Illinois Central; Chicago, Milwaukee & St. Paul; Chicago & North Western; Union Pacific; Atchison, Topeka & Santa Fe; and Southern Pacific Railroad systems to control those railroad companies; each Federal railroad company so to acquire the stock of any of said railroad system or systems within its district. Such acquisition may be by purchase or by exchange of Federal railroad company's stock for the stock of said railroad system or systems or by condemnation proceedings.

#### FEDERAL RAILROAD BOARD.

Sec. 11. That a Federal railroad board is hereby created, which shall consist of six members, one to be the secretary of railroads and the remaining five members to be appointed by the President of the United States, by and with the advice and consent of the Senate. In selecting the said five members of the Federal railroad board not more than one shall be selected from any one Federal railroad district. The said five members shall devote their entire time to the business of the Federal railroad board, and shall each receive an annual salary of \$12,000, payable monthly, together with actual necessary traveling expenses. No Senator or Representative in Congress shall, during his term of office, or for five years thereafter, be a member of the Federal railroad board. The members of the said board shall be ineligible during the time they are in office and for two years thereafter to hold any office, position, or employment in any railroad company, and shall not, during that time, hold or own stock therein. At least one of said five members shall be a person experienced in the management and operation of railroads. One member shall be designated by the President to serve for 2 years, one for 4, one for 6, one for 8, and one for 10 years, and thereafter each member so appointed shall serve for a term of 10 years unless sooner removed for cause by the President. Whenever a vacancy shall occur, whether by expiration of term or otherwise, among the said five members of the Federal railroad board a successor shall be appointed by the President, with the advice and consent of the Senate, to fill such vacancy. The President shall have power to fill all vacancies that may occur on the Federal railroad board during the recess of the Senate by granting commissions which shall expire 30 days after the next session of the Senate convenes. Of the five members thus appointed one shall be designated by the President as governor and one as vice governor of the Federal railroad board. The governor of the Federal railroad board, subject to its supervision, shall be the active executive officer. A majority of the members at a meeting duly called shall constitute a quorum, and a majority of those present at such meeting shall be sufficient for affirmative action. The salaries and expenses of the Federal railroad board shall be paid by the Federal railroad companies in proportion to the respective outstanding capital stock of each from time to time. The Federal railroad board shall annually make a full report of its operations to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of the Congress. The Federal railroad board shall have power to examine at its discretion the accounts, books, and affairs of each Federal railroad company and to require such statements and reports as it may deem necessary, and shall at all times furnish full information to the public regarding its operations and the operations of each Federal railroad company.

Sec. 12. That said Federal railroad board is hereby given the power to fix and determine all interstate railroad rates and service and also such intrastate rates and service as Congress has power to regulate under the Constitution of the United States.

Sec. 13. That no stock shall be issued by any Federal railroad company except after the approval thereof by the Federal railroad board, which board shall also first approve the use to be made of such stock and the terms of its issue. All financial operations of every Federal railroad company shall be approved by the Federal railroad board before becoming effective.

Mr. THOMAS. Mr. President, I shall not detain the Senate longer. I know there are many things to be discussed before we reach a vote upon this measure. I know that other Senators who have considered the subject far more profoundly than I must give us the benefit of their experiences and their knowledge. I shall therefore yield the floor, with the reiteration that whatever may be the form of this bill, however it may fail to meet my view of what its requirements should be, I shall feel bound under the circumstances and the situation to cast my vote for its enactment.

Mr. CUMMINS. Mr. President, the immediate question is, I assume, the amendment offered by the Senator from Alabama [Mr. UNDERWOOD]. In opposing the adoption of the amendment it must not be understood that I am in favor of the bill even though the amendment be rejected.

But there is a curious situation just before us that it is worth while to consider for a moment, and it is this: The Senator from Alabama stated this afternoon very clearly and very frankly that he regarded the bill as it now comes from the House as indefensible. It is practically the bill that was reported by the committee of the Senate with the exemption of the amendment which the Senator from Alabama now offers. He was very emphatic with respect to his opinion upon the general merits of the bill. His only reason, and in that I know he is joined by the Senators on the other side of the Chamber, possibly by some on this side of the Chamber, for supporting or advocating the proposal in the bill is that a great calamity is about to fall on the people of the United States, and that we must surrender our views with respect to the propriety of such legislation in order to protect the people of the United States from the most appalling disaster with which they were ever threatened.

The reason is a persuasive one. I am not prepared to say that a Senator ought not to yield much of his opinion in order to accomplish so desirable an object, although for myself it is impossible for me to believe that the consequences with which we are threatened ought to be prevented in the way proposed in the legislation of the House or in the legislation proposed by the committee of the Senate. However that may be, the Senator from Alabama now offers an amendment to the House bill which, if adopted, will, in my judgment, destroy the object of the bill and the reasons which he gave for supporting the bill.

I should like to know whether the Senator from Alabama or any other Senator in the Chamber has any reason to believe that if the amendment proposed by him is adopted by the Senate and becomes a part of the law the executives of the brotherhoods, who alone have the power to avert the threatened strike, will act? I want to know whether he is of the opinion that they will send the telegram or telegrams which yesterday in the hearing before the committee we were advised must be sent in order to prevent the general suspension of traffic at 7 o'clock Monday morning?

Mr. UNDERWOOD. If the Senator from Iowa will permit me—

Mr. CUMMINS. If the Senator is of that opinion, I will be very glad to know it.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. In just a moment. I am of the opinion—

The PRESIDENT pro tempore. The Senator from Iowa declines to yield.

Mr. CUMMINS. I will yield in just a moment. I have only an inference to justify it, but I am of the opinion that these brotherhoods will not regard the legislation with the amendment which is proposed by the Senator from Alabama as a satisfactory settlement of the dispute. I yield now to the Senator from Alabama for a question.

Mr. UNDERWOOD. I did not intend to interrupt the Senator, but he seemed to be asking me a question, and I rose for that purpose. I answered that question this afternoon. Probably the Senator was not present at the time. I stated then, and I will state again, that I regard the leaders of the brotherhood of trainmen who represent those men here to be men of character and intelligence. When the Senator asks me if I think men of both character and intelligence would order their men to strike or would withhold an order to keep them from striking because the Congress of the United States passed legis-



lation that they did not like, I must say that I think that is an attack on the intelligence and patriotism of those men.

Of course, they were in a combat with the managers of the railroads. They were making a battle for an increased wage. They did not bring this question to Congress. They did not bring this question to Washington. They were battling in New York, and the question of the Government was not connected with it. The President, in my judgment, very properly endeavored to pacify and ameliorate the situation, and he brought them here. He was unable to succeed, but he did, I am told, secure an understanding with these men that they would withhold their strike order on one condition, and that is that this eight-hour system as a method of raising wages if not agreed to by the railroad companies should be temporarily written into law. Now, if we write it into law it is the same thing as the railroad companies agreeing to it for the six or seven months it is operative, and they have got nothing to go to the country on, nothing to go to their men on.

As to any other legislation that Congress would pass, to say that the intelligent men at the head of these great organizations would order a strike and tie up the great transportation systems of the United States for the purpose of compelling legislation from Congress in their interests, not to settle a dispute that they had brought on as to wages, but to force legislation out of the Congress of the United States by such an act, in my judgment would be nothing short of treason to their country and their flag, and they are too intelligent a set of men to engage in any such proposition, in my judgment.

Mr. CUMMINS. Mr. President, I have known the chiefs of these four brotherhoods for many years, and I have always regarded, and regard it now, as a high honor to reckon them among my friends. They are all intelligent; they are all patriotic. But the Senator from Alabama and all the Senators here must not forget the genesis and the development of this legislation. It is true that these executives of the brotherhoods have not appealed to Congress. They ask nothing of Congress. In my judgment, they came before the President of the United States against their will and because the invitation of a sovereign is always a command. In my judgment they were very reluctant to see the question propounded in Congress at all, and I entirely acquit them of any motive or intent whatsoever to coerce Congress in the least degree. I am as assured as the Senator from Alabama can possibly be that they will discharge what they regard to be their duty without any respect to consequences. Let us see. The President of the United States—

Mr. BORAH. Before the Senator proceeds with that—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. The Senator from Iowa says that the representatives of the brotherhood are asking nothing of Congress. In one sense, and technically, perhaps, that is true. But it is known that Congress is legislating here to-night without opportunity to consider and reflect upon the subject matter upon which we are called to vote, and without an opportunity to investigate, for the reason that these men propose to inflict a terrible calamity upon the country if we take the time essential for an intelligent opinion upon this subject. They say to us "unless you legislate by 12 o'clock Saturday night we will involve the country in a calamity. We will not give you an opportunity, which is ordinarily exercised by independent legislators, to determine whether or not we are right. We determine that, and you will legislate or we will inflict this calamity upon the country."

You may say that that is not a threat. I regard it as a threat and I regard that the legislature of this great country sitting here is not legislating according to its own will and according to its own judgment, but by reason of and because of dictation outside of this Chamber. We are not passing legislation of which we have made investigation. We are even told here we can not amend the bill, because it will not meet with their approval; we are mere automatons; we are mere registrars of decrees formulated by others!

Mr. CUMMINS. The Senator from Idaho—

Mr. REED. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. Will the Senator from Iowa kindly suspend until the Senator from Missouri—

Mr. CUMMINS. I desire first to answer the Senator from Idaho.

The PRESIDENT pro tempore. The Senator from Missouri has a right to submit a parliamentary inquiry, and that is the purpose for which he has risen.

Mr. CUMMINS. Precisely.

Mr. REED. I do not make this inquiry for the purpose of having any ruling enforced against the Senator from Iowa, but I desire to inquire of the Chair if at present the rule is in effect that when a Senator permits himself to be interrupted for a speech he thereby loses the floor. I do not desire to enforce it against the Senator from Iowa, but if that rule still exists I shall ask that it be enforced hereafter.

The PRESIDENT pro tempore. The Chair is very glad the Senator from Missouri submitted the inquiry. The present occupant of the chair understands that that is not a question which the Chair can decide. The question whether or not a Senator has forfeited the floor by an interruption is for the Senate to decide. It was settled on a ye-and-nay vote of the Senate that the Chair can not interfere as to the time and character of the interruption a Senator will submit to.

Mr. CUMMINS. Mr. President, I yielded to the Senator from Idaho for a question. I did not anticipate the injection into the argument I was making of the view which he has expressed. I do not share that view. I do not believe that the brotherhoods of trainmen are attempting to coerce the Congress of the United States. I am not attempting to defend them in their declaration for a strike. That is their business and they must take the consequences of their action. I think they ought to have postponed the strike until the questions at issue between them and the railway companies could have been fairly and impartially examined. They chose not to do so; and the responsibility for their action lies with them and with the men whom they represent; but they have not asked Congress for legislation; they have not attempted to direct the course of legislation in Congress, if I understand the manner in which the whole subject was developed. I was about to state that when interrupted by the Senator from Idaho.

The President called both parties to the dispute before him. Concerning the wisdom of doing so, I have nothing whatsoever to say; I leave it to his friends upon the other side of the Chamber to eulogize what they believe to be his courage, which, however, may admit of differing opinions. Nevertheless, after examining the dispute he finally made a proposal to the brotherhoods and to the railways. The brotherhoods accepted his proposal. I will not now examine into its merits. The railways rejected his proposal. Thereupon, so far as mediation was concerned, the usefulness of the President of the United States was at an end; and the brotherhoods, wisely or unwisely—I think unwisely—ordered a strike. I am frank to say that I believe in sending to the country the call for a strike among 400,000 employees of the railroads, upon whom we depend just as essentially as we depend upon the atmosphere that we breathe, they have inflicted the severest blow that has ever been laid upon organized labor, as well as the severest blow that could be possibly inflicted upon the innocent people who must bear the consequences of this interruption of commerce. [Manifestations of applause in the galleries.] However, I am not here to review their discretion in this respect, nor do I believe that this legislation should be measured or weighed or analyzed in the light of their discretion or indiscretion in ordering or in concluding that the railway trainmen of the United States shall strike on the 4th day of September.

What then? The President, having failed of mediation, came to Congress. I am not intending to criticize him for a moment for coming to Congress; I am not even going to pause to suggest how he came to Congress; but I am assuming that he came in a perfectly proper way, and, so far as I am concerned, I think he ought to have come to Congress at that time. He recommended a program of legislation which was perfectly understandable by all intelligent men.

The first element in that program was the proposal which he had made to the men and to the railways, which the men had accepted, but which the railways had refused. The second element in that program, and the only other one that I need to consider, was an amendment to our law to take away for a period the right of organized men to strike in concert and by prearrangement. These were the two essentially important things recommended by the President to Congress, and we are considering these things not at the demand of either the union men in the train service of the United States or at the demand of the railways of the United States, but we are considering these things at the demand or under the recommendation of the President of the United States.

The President may have been courageous—and I have no inclination to withdraw from the eminent gentleman who occupies the office of Chief Executive of the Nation any credit for courage or wisdom—but when we are remembering or recalling the beautiful tones of the Senator from Nevada [Mr. NEWLANDS] as he uttered his eulogy upon his chief it must also be remembered that one of the propositions of the President pleased

the brotherhood men; the other proposition pleased the railways; and there was here—possibly properly so—a fair, even balance in the distribution of his favor. But when this was done—when the Committee on Interstate Commerce of the Senate met—these four chiefs appeared before us, not upon their own suggestion but upon our invitation, just as the railway companies appeared upon our invitation and a somewhat meager representation of that vague and indefinite body known as the public appeared before us.

The four brotherhood chiefs stated, without any reluctance, without any hesitation, with the utmost candor, that there was just one way in which the strike which had been called for the morning of September 4 could be averted. It was that they send to their subordinates, the heads of the various unions throughout the country, a message in these terms: "Satisfactory conclusion reached." They declared that if the bill which represented the proposal of the President, and which they had theretofore accepted, and which the railways had refused, was enacted into law they could send that telegram; otherwise they could not and would not. Now, criticize them if you will. I am not entering upon that phase of the matter; but those on the other side who believe that we ought to pass this bill in order to avert a strike, who believe that we ought to pass it because it is satisfactory to the union men, and that upon its passage the telegram which I have mentioned will be sent and the strike averted, had better pause and inquire whether, if the amendment which is proposed by the Senator from Alabama [Mr. UNDERWOOD] is added to the bill, that telegram will be sent.

I do not represent them; I have no authority to speak for them, although possibly I have a better opportunity to know how they feel about the amendment than some Senators; but it is my judgment that, if their right to collective bargaining is ever taken away by clothing the Interstate Commerce Commission with the authority to fix their wages and their hours of labor, they will not send the telegram. I am just stating these things to those who are intending to vote for this bill, and who are intending to vote for it for no other reason than that it will avert the strike. It seems to me that they ought to know, if that is the ground upon which they are proceeding, that when they pass the bill the object will be accomplished.

Mr. President, I am opposed to the amendment without any regard to the effect it might have upon the strike. I am opposed to it because, if adopted, in my judgment it marks the end of our experiment of regulating commerce among the States. It will deprive the 1,800,000 men who are operating our railways in all the various capacities in which men work of the right to bargain and contract; it will take away from all the unions into which railway men are organized the privilege, which they have won through long years of contest, of collective bargaining.

Collective bargaining, Mr. President, is the chief characteristic of the labor union. It is the purpose for which the labor union is organized, the best and the noblest purpose, at least, for which the labor union is organized. It is intended that through collective bargaining there may be produced some equality of condition and situation when they come to contract, to deal with their employer. But it will also take away from the railway companies all their independence, and it will leave them with the power to destroy, if you please, but not the power to protect. It will leave them irresponsible in their management. If the Interstate Commerce Commission fixes rates of wages, hours of labor, the salaries of officers of the corporation, of the agents of the corporation, of the attorneys for the corporation—and, of course, if it fixes the conditions of service of one class of employees it ought to fix the wages or salary of all—then, the commission must be clothed eventually with the power to fix the price of the steel which the railways buy, the ties with which they must build the roads, the coaches and locomotives in which they transact their business; and what is left?

The next step is, of course, that the Government, having undertaken to fix everything which the railway company does, must also guarantee the interest upon its bonds and dividends upon its stock. The end of it is, Senators, Government ownership and operation or the effect of such ownership and operation under the most unfavorable and most unsatisfactory conditions.

If we are compelled, in order to do justice among the people of the United States, to take away from all those who have occasion to contract or deal with the common carriers of this country their right to contract, then it is infinitely better for us at once to acquire the railroads and operate them under our own sovereignty and under our own direction. When we accomplish what I have just described, the officers of the railway

companies, their general managers, and their superintendents will simply be United States officers, nothing more and nothing less. They will be officers without any sanction as to the performance of their duties and without any sense of responsibility to those who nominally and technically employ them.

I have thought of the matter deeply, and I can not give my assent to this method of fixing wages and salaries and other expenses of railway companies; for, if I must reach the conclusion that the regulation of the Government ought to extend to these things, then I am not for clothing the Interstate Commerce Commission with the power to fix all these relations; but I am for the acquisition of the railways and for their operation directly through officers of the Nation.

Mr. President, while I am on my feet I intend to say what I have to say with regard to the bill itself. I think I was never more conscious of profound regret than I am at this time because of my inability to join with my brother Senators in accomplishing what they believe and what I believe to be a worthy object. I want to avert the strike. No one can overestimate the consequences of the strike. It is impossible to paint the picture in colors that are too lurid to reveal the truth; but it is utterly impossible for me, having some regard to my conscience and my oath to support the Constitution and my views respecting the outcome of legislation of this character, to give it my assent, and very briefly I intend to submit my reasons for the judgment I have formed.

The bill in its title is, of course, not only misleading but positively false. The title of the bill reads in this way:

To establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes.

It does not establish an eight-hour day. It has no tendency to establish an eight-hour day. Instead of having a tendency to shorten the hours of labor, its tendency is to lengthen the hours of labor.

Let us see:

That beginning January 1, 1917, eight hours shall, in contracts for labor and service, be deemed a day's work and the measure or standard of a day's work for the purpose of reckoning the compensation for services of all employees.

If the view of the union men had been preserved, namely, if some penalty had been imposed by way of increased compensation for overtime, the bill, if passed, might have resulted in some shortening of the hours of labor. But the chief motive that would lead the railway companies to abbreviate the hours of labor is eliminated from the bill. Employees are paid for the hours which they labor, no matter whether 8 or 16, pro rata; and it is rather for the interest of the railway companies under this bill to work their men 16 hours every day than otherwise. It was agreed, upon the hearing before the Senate committee, that if this bill were passed the economical thing for the railroad companies to do would be to continue to work their men 10, 11, 12, 13, 14, 15, or 16 hours, sometimes more, rather than to readjust their railway facilities so that the men could complete their runs in 8 hours.

Mr. HUGHES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield to the Senator.

Mr. HUGHES. I have read the hearings, but, of course, I was not at the hearings. As I say, I read them. It seemed to me that what the Senator has just stated was claimed by one of the presidents, but was not, from anything I saw, admitted by the representatives of the brotherhoods. It seems to me, from what little I know of railroading, that it does not necessarily follow that it would be to the interest, and in fact I am satisfied that in a great many cases it would not be to the interest, of the railroads to continue to work the men 10 hours and pay them overtime even at a pro rata rate. It would be rather to their interest to complete a run, so far as they can, in eight hours. It seemed to me the Senator was overstating it.

Mr. CUMMINS. No; the representatives of the brotherhoods made no statement with regard to the point which I am just discussing, but Mr. Elisha Lee and Mr. Sheean, both representing the committee of conference of general managers of the railways, stated, and no one contradicted it, that upon a survey of the whole situation the railway companies could work their men overtime more economically than they could readjust their division stations and other facilities so that they could conclude their runs within eight hours or within some approximate time.

Mr. HUGHES. As I read that statement it seemed to me that it was part of an advocate's claim rather than an admission of a fact. They were making the point that there was no disposition on the part of the brotherhoods to establish an eight-hour day, but that they were seeking to obtain 10 hours'



pay for 8 hours' labor, and that by reason of what we were doing they would succeed; but I do not know of anything in the testimony on the part of the brotherhood men that would seem to admit that claim.

Mr. CUMMINS. Oh, Mr. President, the brotherhood men have nothing to do with it. The brotherhood men can not determine whether they are to be used overtime or not. They have no will or authority in this matter. If their employers desire that they shall run 12 or 14 hours, they must remain on their trains until their duties are concluded.

But it is not necessary that we shall be able to reduce the statement I have made to mathematical certainty, for it is just good, common, ordinary sense to know that when men receive no more for the hour between 8 and 9 than they receive for the hour between 1 and 2, there is no sufficient motive upon the part of the railway companies to reduce or shorten their hours. I am not suggesting that the brotherhood men do not desire to shorten their hours. I think they do. While they understand perfectly that an eight-hour working day is impossible in the operation of railways as they are now situated, I think they sincerely desire to shorten their hours and ultimately reach an eight-hour day. It was for that reason that in their proposal to the conference committee of general managers they insisted upon time and a half for overtime.

If some such provision as that were in the law—I do not say whether it would be just or unjust—then there would be a tendency to shorten the hours and limit them within those hours beyond which overtime lay, for the railway companies would know that they must pay time and a half for every minute beyond the allotted time.

Mr. HUGHES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I yield for a question only.

Mr. HUGHES. Does the Senator think it is within our power to say that for every hour over eight the railroads shall be compelled to pay one and a half times the rate for the hours up to eight?

Mr. CUMMINS. I do not; at least, I doubt it very much—

Mr. HUGHES. I agree with the Senator about that.

Mr. CUMMINS. Just as I doubt very much our power to say what we have said. I think we are passing far beyond our constitutional authority when we say what we have said in the bill.

I suggest to Senators also that so far as the first section of this bill is concerned, there is no value whatsoever in it to the men who labor upon these trains. What avails it to establish an eight-hour working day as a basis for compensation? Nothing. It does not shorten hours, and it does not assure fair and reasonable compensation; for if you were to assume that the men were paid but 1 cent an hour, what good would it do to pay them overtime between 8 hours and 11 or 12, as the case might be? In order to accomplish anything for the men another step must be taken, and the rate of compensation must be ascertained and fixed. Therefore, the first section of this bill is a bald, glittering generality. It accomplishes nothing. It is the brassiest gold brick that was ever tendered the people of the United States or the men who are directly interested in railway operation.

Mr. BRANDEGEE. Mr. President, would it interrupt the Senator if I asked him a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to ask the Senator what there is about the bill, in his opinion, that would induce the men to call off the strike if it were passed?

Mr. CUMMINS. The Senator from Connecticut knows these men. I suggest that he ask them. I would not venture to express their view of it.

Mr. BRANDEGEE. I met the gentlemen at the hearing before the committee yesterday, some of them for the first time; and inasmuch as the Senator had stated quite positively that they would call off the strike if this bill were passed, I thought he might be able to tell us why.

Mr. CUMMINS. The Senator from Connecticut heard that statement just as clearly as I did. I do not ask the Senator from Connecticut to accept it on my responsibility. He was a member of the committee, and he heard it.

Mr. BRANDEGEE. I heard the statement of the men; but, on the Senator's diagnosis of the bill as being a brassy gold brick, I was interested to know what induced the men to accept it and call off the strike.

Mr. CUMMINS. I will presently tell the Senator what I think there is in it that gives the men something.

I will reach that in a moment, and I shall be very glad to give the Senator from Connecticut all the information I have upon that subject. It is all a process of reasoning. I do not know anything more about it than does the Senator from Connecticut.

Mr. BRANDEGEE. Then I do not think I will get much information.

Mr. CUMMINS. The Senator from Connecticut evidently thinks that the passage of this law establishes an eight-hour day for these men. I do not.

Mr. BRANDEGEE. Neither do I.

Mr. CUMMINS. I next ask the attention of the Senate for just a moment to a consideration of what the commission is to investigate. The language of the bill is:

That the President shall appoint a commission of three, which shall observe the operation and effects of the institution of the eight-hour standard workday, as above defined, and the facts and conditions affecting the relations between such common carriers and employees during a period of not less than six months nor more than nine months.

Mr. President, all that that means, all that it can mean, all that the commission can ascertain, all that it is charged with the duty of ascertaining, is how much it costs the railway companies to pay the overtime provided in this bill during the period of six months or nine months, as the case may be.

To me, the suggestion that a commission ought to be appointed to labor for six months in order to ascertain what it costs the railway companies to pay upon a basis of eight hours instead of upon a basis of ten hours is little less than ludicrous, for one good accountant in the office of each railway company could ascertain those facts and report them either to the President or to the Interstate Commerce Commission just as faithfully and as perfectly as a commission.

Mr. VARDAMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator.

Mr. VARDAMAN. The Senator from Iowa is a great lawyer, profoundly learned in the law and the science of government, and of long experience in this body, and of course he recognizes the gravity of the situation which confronts the American people at this time. No man in this body is more capable of grasping great questions and comprehending the scope of national issues than he. Has the Senator any suggestion to make? I grant that this proposed legislation may not be perfect. Really, nothing short of omniscience could bring forth a perfect piece of legislation as suddenly as this has been produced. I have so much confidence in the intelligence and the patriotism of the Senator from Iowa; and I should like to have him, if he can do so, give us some better plan by which we may avert this disaster.

Mr. CUMMINS. Mr. President, I am not insensible to the compliment which has just been paid me by the Senator from Mississippi, and I am sure it is as sincere upon his part as it is delightful upon mine.

Mr. VARDAMAN. The Senator deserves everything that I have said and more, and I am sure he will prove that by answering my question.

Mr. CUMMINS. I made a proposal to the Committee on Interstate Commerce last night; and I shall disclose no more than the mere fact that I did make a proposal, for I would not want the Senator from Mississippi or the Senate to believe that I am entirely barren in this prolific field. How many votes does the Senator from Mississippi think I got for it?

Mr. VARDAMAN. I have no idea.

Mr. CUMMINS. Of course, the Senator from Mississippi has no knowledge on that point; and it is with a very profound humiliation that I now disclose that out of the entire membership of the committee—that is, all the membership then present—not one single member approved the suggestion that I made. I may say, as I think we all ought now to be perfectly frank, that I was the only Republican member present at that time. Inasmuch as my proposal was not in harmony with the suggestion of the President, it received no encouragement from my friends in whom I have the greatest confidence, and whose general zeal for the public welfare, I readily grant, is as great as my own. Does the Senator from Mississippi think that under those circumstances I should bring forward into the Senate of the United States, to a dominant majority like this, held together in bonds not only of affection and tradition, but of fidelity and loyalty, the plan which was so received? No; I do not.

Mr. VARDAMAN. May I ask the Senator, then, what is the purpose of the Senator in speaking? If the Senator has a plan

which would solve the difficulty, probably if the seed were sown in different soil the result might be different. He had a small committee there of a few Senators. Let us have it here in the Senate, and the able Senator might have better luck with his plan.

Mr. CUMMINS. I am speaking with the vain hope that I may convince the Senators here that the bill which we are now considering ought not to be passed.

Mr. VARDAMAN. Does the Senator think we can do nothing?

Mr. CUMMINS. I think it ought not to be passed. I intend to vote against it, and I am trying to give my reasons for it.

Mr. VARDAMAN. Does the Senator think we should do nothing to avert this disaster, but just remain here in a state of stupid inaction and make no effort to avert it? I should like to have the Senator's opinion about this; and I want to tell the Senator I would just as soon have an idea, principle, or policy that would solve this question from him as from the President of the United States or one of my Democratic colleagues. The idea, the policy, the measure, and not the man, is the thing that I am interested in just now.

Mr. CUMMINS. The Senator from Mississippi gives me great encouragement, and before I have finished I intend to put before him, knowing his friendly mood, at least his receptive attitude, the proposal that I laid before the Committee on Interstate Commerce last night, and I really hope that I may have one follower in this desert land.

Mr. VARDAMAN. I want the Senator to understand that I do not commit myself to his policy in advance.

Mr. CUMMINS. That is a very wise precaution. No man dare—I withhold that—I almost said that in these days no man dare pledge himself to follow the lines of reason and logic, but I know that is not true of the Senator from Mississippi.

Mr. President, I now come to the only part of this bill which is not sham and pretense, and I use those words without any offense whatsoever. There is a part of the bill that does something, and possibly if the Senator from Connecticut [Mr. BRANDEGEE] is now listening to me he will understand why the men who are involved find themselves able to favor it. Section 3 of the bill provides:

That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage, and for all necessary time in excess of eight hours such employees shall be paid at a rate not less than the pro rata rate for such standard eight-hour workday.

As I remarked, we are not adopting an eight-hour day for the safety, for the benefit, for the health, for the development of the working man. I am for an eight-hour day's work. I believe that, as the President said, it is the civilized sense of mankind that in the great majority of employments men ought not to be required to work more than eight hours.

This bill does nothing of that sort, and it has no tendency to accomplish anything of that kind, but it does say in just so many words that the trainmen—I will not pause to inquire who are trainmen—but the trainmen of the United States shall receive, until this commission reports, wages for eight hours' work which they have heretofore been receiving for 10 hours' work. This legislation simply advances for this short period the compensation or wages of certain trainmen in the country. That is all that it accomplishes. I am not sure that it will accomplish it either, because, although there are heavy penalties laid upon railway companies if they do not make the payments that are here required, I see by to-night's paper that the astute counsel of these great corporations have already decided that that part of the law, if passed, is unconstitutional, and at least some of them will not obey it, and if they do not obey it falls to the ground so far as the railway men are concerned. But I am assuming that they will obey it and will pay these trainmen for overtime above eight hours, and that their compensation will in that way be raised from 15 to 25 per cent during the period of 11 or 12 months that this situation is to exist.

I do not know whether they ought to be paid more than they are now being paid or not. I should like to know whether the members of the Senate are informed on that point. How many Senators have examined the subject sufficiently to know whether the trainmen of the United States are suffering any greater injustice on account of compensation than all other employees of the railway companies of the country? I do not know and there is not a Senator here knows. There is not a Senator here who knows how much the trainmen are now receiving. You may know of an isolated instance; but let me tell you a most remarkable thing. The Committee on Interstate Commerce sat yesterday from 9 o'clock in the morning with scarcely an interruption until half past 7 in the evening and we heard nine hours

or more of uninterrupted discussion and argument and statements, and from the beginning of that hearing to the end of it no man who appeared before us, whether he represented a brotherhood, whether he represented the railways, or whether he represented the shippers, or whether he represented the public, even suggested what these men are now receiving as compensation.

The committee which reported this bill—I am not now speaking of the House, of course; I do not know how much information the committee of the House had upon this subject, but the committee which reported the bill in the Senate had no information of any kind respecting the present compensation of these men. I am quite ready to believe that it is not all that it should be. That inference, however, is simply one which I deduce from the general wage situation of the United States.

I have been in the habit of believing that there are a great many workmen in the United States who are not receiving what they ought to get, but how can I vote to increase during a period of 11 months the wages of these men and do it by mere legislative enactment without any inquiry, without any information? How can I vote to increase their compensation during this time in the amount which this bill proposes? I for one find it utterly impossible.

Mr. GALLINGER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield.

Mr. GALLINGER. I will ask my friend, the Senator from Iowa, if the information that he says he did not obtain and he feels sure none of us is in possession of might not have been ascertained by asking a question of those men.

Mr. CUMMINS. No; it could not, Mr. President, in my judgment, because that information would be scattered over records so vast that it would be impossible for anyone to have carried their contents in his mind. All that any man could have said would have been the aggregate paid to these employees. That was stated. The aggregate compensation paid to these employees was stated. The aggregate compensation paid to all other railway employees was stated. The aggregate compensation paid to the officers and office force of the railway companies was stated; but I do not know how much the engineers, the firemen, the conductors, the brakemen, and any others who are affected by this measure are receiving at this time. They are not receiving the same in Pennsylvania that they receive in Iowa. They are not receiving the same in Arizona that they receive in Maine. There is no uniformity in compensation. There is not even uniformity in standards. Whoever composed this bill I think overlooked the fact that the standards of compensation vary upon different railroads and in different parts of the country. It provides—

That pending the report of the commission herein provided for and for a period of 30 days thereafter the compensation of railway employees subject to this act for a standard eight-hour workday shall not be reduced below the present standard day's wage.

There is no standard day's wage. There is a rule applicable over certain territory with certain railroads for the ascertainment of the wages of these employees, especially if they be engineers, conductors, and brakemen, who are compensated according to the distance run and the time involved in running it.

Mr. CHILTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield to the Senator.

Mr. CHILTON. I think W. S. Carter, who is the head of one of the brotherhoods, appeared before your committee.

Mr. CUMMINS. He is the head of one of the brotherhoods.

Mr. CHILTON. Did he not give a statement of the rates of wages per hour in the different employments in the United States?

Mr. CUMMINS. I did not hear it if he did.

Mr. CHILTON. I notice on page 127 of the hearings before your committee a statement from him was produced before the committee giving the rates of wages per hour in the different employments.

Mr. CUMMINS. Mr. President, that is true.

Mr. CHILTON. I had not finished.

Mr. CUMMINS. The Senator must make it a question, if he will.

Mr. CHILTON. I find on that same page he compares the wages of trainmen with the wages of workmen and shows that they are about one-half the standard per hour engaged not in so hazardous employments as that of firemen and engineers. He gives that statement at page 127.

Mr. CUMMINS. The Senator from West Virginia is wrong. Mr. Carter delivered a table which had some time been written



and published and was printed as one of the exhibits to his testimony, but there is nowhere in it, as I remember, information with regard to what the wages of these men are throughout all portions of the United States. There is a comparison between certain men and certain other men, but the Senator from West Virginia knows that there was no attempt to indicate how much a brakeman in West Virginia was getting. If the Senator from West Virginia knows, I should like to know how much a brakeman from Grafton to Wheeling makes in a month.

Mr. CHILTON. The Senator from West Virginia does not undertake to give any information at all; he is not on the committee; but the Senator from Iowa made a pretty broad statement that there was nothing from which a judgment could be derived. This is the report of the committee of which he is a member, and it has been printed, and it is a correct statement of the wage per hour received by people engaged in different employments.

Mr. CUMMINS. I can not yield for an argument; I yield for a question only. I say that is not the testimony to which I referred, but it is a statement published long ago, and I have no doubt it is accurate; I have no reason to doubt it. My statement should have been qualified.

Mr. THOMPSON. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield.

Mr. CHILTON. Let me finish the statement.

Mr. CUMMINS. The Senator from West Virginia desires a word.

Mr. CHILTON. I do not intend to allow the Senator from Iowa to misconstrue what I said, and I want to hasten to say to him I did not accuse him of making a misstatement. I simply said in the haste he had not read the evidence from his own committee, that was all. I know the Senator is honorable and that he would not make a misstatement, but certainly he is not sticking to the record. I do not make any criticism of him for not having read it, but still it is contained in the report, and I have read it.

Mr. THOMPSON. Mr. President—

Mr. CUMMINS. Just a moment, until I answer the Senator from West Virginia. It was put in the record. I do not doubt its accuracy, nor is anything it contains in conflict with the statement which I made, as I understand the statement. I now yield to the Senator from Kansas.

Mr. THOMPSON. The Senator from Iowa will remember that there is no general complaint of the wages per day, but there is complaint by the employees as to the length of the day. They desire an 8-hour day instead of a 10-hour day. That is their principal contention in this controversy.

Mr. CUMMINS. I was about to state that.

Mr. THOMPSON. I can give the Senator from Iowa the wages over the country if he cares to have them, which I have received from trainmen. There is an established schedule.

Mr. CUMMINS. Yes; I have received very many of those statements, too. I do not care to have the Senator interject those now; but I want to say to the Senator from Kansas that I agree with him. I have no patience with this criticism of the men of the union that all they desire is an increase of wages. I know it is not true. I know that they desire that their hours shall be shortened, and I would like to do something to shorten their hours instead of doing something to lengthen them.

Mr. THOMPSON. They desire eight hours for a day's pay, and then pay for overtime if they are required to work overtime.

Mr. CUMMINS. There is no effective way of shortening the hours unless the railroads are penalized for working them overtime.

Mr. REED. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. If the railroads were required to pay time and a half for all overtime, that would be, in the opinion of the Senator, a penalty?

Mr. CUMMINS. It would be a penalty, but I am not prepared to say that is a proper penalty.

Mr. REED. Very well; it would be a penalty. If they are required to pay two-thirds of this amount for working overtime, is not that two-thirds the same penalty?

Mr. CUMMINS. No; it is not a penalty at all.

Mr. REED. If a man has worked anywhere from 8 to 16 hours and gets \$5 for the entire time, and we change the scale of wage so that if he works 8 hours he gets his \$5, and if you

make him work 16 hours he gets the rate of pay for each additional hour that he would receive for the 8 hours, so that he would get for the 16 hours something like \$15 instead of getting \$5, as he does under the present system, how can the Senator say that is not a penalty upon the roads—that it does not increase the pay that much?

Mr. CUMMINS. Possibly the Senator from Missouri and myself do not use the word "penalty" in the same sense. The employee will get more money—

Mr. REED. The roads will have to pay that much more.

Mr. CUMMINS. If paid for overtime on an 8-hour basis, then he would get more than if paid for overtime on a 10-hour basis.

Mr. REED. Yes; of course he will, and the roads complain that it will cost them many millions of dollars.

Is it not true that that many millions of dollars is in the nature of a financial penalty visited upon the roads for working the men overtime, and to that extent an inducement for the roads to try and complete the day's work within the eight hours?

Mr. CUMMINS. I coupled up the statement I made with the remarks some time ago that the railway companies said, and they produced their figures, as they always do, to prove their conclusions, that instead of trying to shorten the hours in which the men should work, it would be more economical for them to pay the overtime than it would for them to change their facilities so that they could make their runs within the time.

Mr. REED. Has some railroad president said that?

Mr. CUMMINS. No.

Mr. REED. Or has some manager said that? Does the Senator believe that?

Mr. CUMMINS. I believe it is partially true.

Mr. REED. Partially true, but also partially untrue.

Mr. CUMMINS. I do not know to what extent it is true or untrue. I can well understand, and the Senator from Missouri can understand, that it will be a very considerable expense to the railway companies to shorten their runs so that they can all be made in eight hours. If the basis be 12½ miles per hour, the run then must be not more than a hundred miles in length, and the division stations must be changed; their passing facilities must be reconstructed. I accept, with some reliance, the view of the statisticians that they would pay the overtime rather than reconstruct the business and their facilities.

Mr. REED. If the Senator will pardon me one more question—he has been very kind about yielding—is it not true that, according to the standards fixed, a hundred-mile run is now regarded as a day's work, and that the great majority of the runs are arranged on the hundred-mile basis?

Mr. CUMMINS. No; not in the sense in which the Senator from Missouri means it. A hundred miles at 10 miles an hour is now the basis for compensation for overtime; but the actual run is more than a hundred miles, even though made at a speed of 10 miles an hour.

Mr. REED. It is more than a hundred miles in some instances, but not in all instances.

Mr. CUMMINS. I think in the western country the average run is over 120 miles; there is no uniformity about that. In my own State, for instance, the average run is nearly 150 miles for most of the freight trains; but the basis of compensation at this time has nothing whatever to do with the actual distance run. The railroads take a hundred miles and 10 hours as a basis, and for the man to earn his day's pay the run must be 10 hours or less or a hundred miles or less. He gets pay accordingly. What the men want is a basis of twelve and a half miles per hour and eight hours or less.

Mr. REED. If the Senator will pardon me another question, is not the Senator of the opinion that the public has a right to insist, in these days of rapid transportation, that freight shall be moved at least twelve and a half miles an hour, which is about three times as fast as an ordinary able-bodied man can walk?

Mr. CUMMINS. I rather think so; but I am not qualified to judge of that. The Senator from Missouri must recollect this is not running time. The time begins when the man is called from his bed in the morning, or at least when he reports.

The time occupied in starting, the time occupied on the sidings, the time occupied in all the delays that are incident to railway operation is included.

Mr. REED. I understand; but the fact remains that the railroads of this country have been very much in the habit of moving freight very slowly, and that the public has suffered thereby. If they had a little stimulus to move those trains along at least at the rate of twelve and a half miles an hour, would not that be a good thing for the shipping public?

Mr. CUMMINS. I quite agree with the Senator from Missouri, although I am not prepared to say that trains under all circumstances could be moved at the average rate of 12½ miles an hour. Anything that will increase the speed, within the bounds of safety, ought to be encouraged. But, now, mark: I agree that these men will get an advantage for the next 11 months; they will get more pay than they are now getting. The railroads estimate that they will get \$61,000,000 more pay in a year under this bill, while the men themselves estimate that they will get from \$20,000,000 to \$30,000,000 more pay in a year than they are now getting. Now, I should like to see everybody rich and everybody get all the money that he wants; but I am not prepared to vote to increase the pay of these men without investigation or information for either 11 months or for any other period. I had much rather leave these men with their natural powers of bargaining, their collective power of dealing with the railway companies. They have advanced from comparative slavery to their present high estate—

Mr. REED rose.

Mr. CUMMINS. I beg the Senator's pardon. I hope he will not interrupt me again just at this moment.

They have advanced from a state of comparative servitude to their present high condition because they have organized themselves and have dealt like men with their employers and upon equal terms. I, for one, do not want by my vote to take away from them, or to begin the course that will take away from them, that only weapon which will at the same time make free men of them and give them adequate compensation.

Now, let us see what will happen at the end of 12 months. At the end of that time the commission will have reported. As I said a few moments ago, while its powers are rather vague, I do not believe that it can do much more than report the expense to the railway companies of this increase that we grant in the bill.

What then? The very moment they report, the force of the law which I am now considering is at an end; the railway companies are no longer obliged to pay them according to the present standard of compensation. Let us assume that the recommendation of the commission will be against the eight-hour working day as a basis for computing compensation with the present standard of wages; let us suppose the commission is against it; and it may be very fairly assumed that it will be if we are to believe—and I have great sympathy with it—a statement made yesterday, that it is very hard, it is very difficult, indeed, to secure an impartial commission to determine what shall be paid by a railway company to its employees. You must take the commission either from those who are interested in the employees or on that side of the controversy, or upon the other side of the controversy; and it has been the experience of the past that usually the deciding voice of any such commission was from that element in society which had little sympathy with the advance in the rate of wages.

Suppose that the decision is against the increased wages, what then? What will the men do? Will they surrender what they have been receiving for a year or a half year, and continue to work under the old conditions, under the old wages, or will they strike? What do you think they will do? The Senator from North Carolina [Mr. SIMMONS] said this afternoon that in the meantime we might prepare some legislation. What legislation? I challenge any Senator here to instance the kind of legislation which is to take care of that emergency. Is it legislation which is to deprive the union men of the country from quitting work in a body? Who on the other side of the Chamber suggests that sort of legislation?

Mr. UNDERWOOD. Mr. President, will the Senator yield, inasmuch as he has offered a challenge?

Mr. CUMMINS. I yield to the Senator.

Mr. UNDERWOOD. I desire to say that, so far as I am individually concerned, I have sent to the desk proposed legislation which, in my opinion, meets the question.

Mr. CUMMINS. Precisely.

Mr. UNDERWOOD. I do not know what anybody else would do.

Mr. CUMMINS. I know; that is precisely it. I was coming to that. I assume that you do not propose at this time that after the commission which we are now to appoint has decided that the increased wages ought to be paid no longer, or, at least, are not justified, you are not intending—and I hope some Senator will correct me if I am wrong—to pass a law which shall forbid the union men from striking. If you are not, then what is the remedy to be applied at the end of the six months? The Senator from Alabama has a remedy, and he is the only man here who has had the courage and the independence to propose any such remedy. He takes the railroads entirely out of the hands of the owners and of the operators and gives to the Inter-

state Commerce Commission the authority to fix the hours of labor and the compensation for labor. I have said all that I care to say with regard to that amendment to this proposed law or to any law. I am unalterably opposed to it. I think that it will destroy every valuable thing which we have created in the last quarter of a century respecting the government of these instrumentalities, so that, as the Senator from Alabama has said, if you dismiss his amendment, at the end of 11 months you will have just the same situation that you have now. You will have men who have enjoyed for a little period increased wages, and then chaos. Do you think that the railway companies will continue to pay the increased wages? They will not do it now, and why should they do it then? They have resisted the demand now to the point of an utter annihilation of commerce. Have you any reason to believe that they will do it at the end of six months? No. With the best of feeling in the world I say to those who have proposed this measure that you are keeping the promise to the ear and you are breaking it to the hope; you are striking not only at the integrity of organized labor but you are destroying the independence of industry; and if we can not find any other solution of the difficult problem we had better far suffer the catastrophe which seemed so imminent a few days ago.

I do not intend to forget my promise to the Senator from Mississippi. If I could write just at this time the measure which ought to be passed, it would be directed wholly to the present emergency; it would be entirely a temporary measure. I would create a commission authorized to examine this subject, to examine the exact dispute between the union of railway men and the railway companies; and I would suspend during the examination the privilege of striking in concert. You now have the solution that I would propose for this difficulty. In connection with that it ought to be said that I am not in favor, however, as a permanent law, of taking away from union labor the right to strike in concert, unless there is substituted for that right under these grave contingencies and impending catastrophes a tribunal in whose justice I would have profound confidence.

Mr. VARDAMAN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I am about to yield the floor. It is not the work of a moment or the work of a week to pass legislation of that character.

Mr. VARDAMAN. Mr. President, I want to ask the Senator a question before he takes his seat. It seems to me that this proposed measure is only temporary. Now, if it serves to bridge the chasm, the Congress will meet again in December before any harm could possibly result from its enactment, and whatever defects there may be found to exist in this measure Congress could then supply them.

Mr. CUMMINS. I think so—

Mr. VARDAMAN. The Senator will remember that on yesterday I suggested that an effort be made on the part of Congress to induce the brotherhoods or the leaders to postpone the strike in order that time might be given for the consideration of this great question. I am opposed to this sort of hasty legislation, just as the Senator is, but I think that if this measure is passed it will be acceptable to the employees of the railroads, and no harm can possibly result to the railroads. It will, as I have said, bridge the chasm, and possibly enable Congress to deal intelligently with this question, and save the country the disaster that would follow a strike at this time.

Mr. CUMMINS. Of course the only difference between the Senator from Mississippi and myself is that he asks for the delay, and I would take it; but I am moved by the suggestion just made to another suggestion. He says no harm comes from this. Is that true? If these men are justly entitled to the compensation which is given to them, then those who pay the freight rates ought willingly and cheerfully to advance the freight rates, if that be necessary, in order to bear the increased burden which is put upon the railways; but I am not so convinced of the justice of advancing for this period the compensation of these men in contradistinction to the compensation of any other men, knowing that the President of the United States intends that the Interstate Commerce Commission shall add this additional expense to the freight rates of the country. The Senator from Nevada [Mr. NEWLANDS] was quite right when he said that the President had courage. He had the courage to state to the Congress of the United States with perfect frankness that he desired a bill passed which would refer the report of the commission which is proposed to be created to the Interstate Commerce Commission, and that that commission should accept the findings of increased expense, if the findings were of that char-



acter, and that, then, if other revenues of the railway companies were not sufficient to absorb the additional wages, the rates of freight should be increased. I am afraid, Mr. President and Senators, that in the transfer of the expense incidental to legislation of this kind from the railways to the public they will not only be increased as they actually exist, but if the expenses are increased \$20,000,000 the rates may be increased \$40,000,000. That is the history of all such transfers as the one I have just described. It always happens that in passing the burden along there is an immense weight added to it; and I believe, Mr. President, that it is due to the great body of the people, who ultimately must pay the cost, that there should be more careful investigation and more accurate knowledge before we, by legislation, advance for a period the compensation of any given class of employees.

Mr. SHAFROTH obtained the floor.

Mr. NEWLANDS. Mr. President, will the Senator yield to me for just one moment?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. SHAFROTH. I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to see whether we can not reach an understanding regarding a time to vote to-morrow. I would suggest that we proceed to vote upon any amendment that may be pending and upon the bill itself at 3 o'clock to-morrow; that a recess be taken to-night until 10 o'clock to-morrow, and that beginning at 12 o'clock the length of speeches be confined to 20 or 30 minutes upon the bill and 5 minutes upon any amendment.

The PRESIDENT pro tempore. Has the Senator reduced his request to writing?

Mr. NEWLANDS. I have.

The PRESIDENT pro tempore. The Senator will please send it to the desk and let the Secretary read it.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 3 o'clock p. m. on Saturday, September 2, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 17700) to establish an eight-hour day for employees, and so forth, through the regular parliamentary stages to its final disposition, the vote upon the final passage of the bill to be taken not later than 6 o'clock p. m. on the said day; and further that after the hour of 12 o'clock noon on said day no Senator shall speak more than once nor longer than 30 minutes upon the bill nor more than once nor longer than 5 minutes upon any amendment offered thereto.

The PRESIDENT pro tempore. Is there objection?

Mr. GALLINGER. Mr. President, let me suggest to the Senator that he make the time shorter than 30 minutes.

Mr. VARDAMAN. Make it 15 minutes.

Mr. NEWLANDS. What would the Senator suggest?

Mr. GALLINGER. I would suggest 15 minutes.

Mr. NEWLANDS. I will adopt that suggestion.

Mr. KENYON. Mr. President, I should like to suggest making the limit 10 minutes after 12 o'clock. That is time enough.

Mr. LANE. Let it begin right now, Mr. President.

Mr. NEWLANDS. I will assent to that, if it is agreeable to the Senator from New Hampshire.

Mr. GALLINGER. While I do not speak in my own interest, because I probably shall not occupy 2 minutes, if I occupy 1, yet I think 15 minutes is a better period. I think it would satisfy more Senators.

Mr. VARDAMAN. Make it 15 minutes. That will do.

Mr. NEWLANDS. Very well, then. I will modify the request to that extent.

The PRESIDENT pro tempore. Is there objection to the request in its modified form?

Mr. KENYON. Mr. President, 15 minutes each would enable only 12 Senators to speak. There are a good many Senators here who would like to speak only 5 or 10 minutes. Do I understand that we begin voting at 6 o'clock?

Mr. NEWLANDS. We will commence voting at 3 o'clock.

Mr. KENYON. The arguments, however, are to cease at 3 o'clock.

Mr. GALLINGER. Except on amendments.

Mr. McCUMBER. Mr. President, I want to say to the Senator from Nevada that if he begins this limitation of debate at 12 o'clock it does seem to me he ought to extend the time until 4 o'clock and make the limit 15 minutes in order to give everyone an opportunity to speak on the bill, if he so desires.

Mr. NEWLANDS. Does that meet the approval of the Senator from New Hampshire?

Mr. GALLINGER. I think it is a very desirable suggestion to extend the time to 4 o'clock.

Mr. STONE. Mr. President, I am rather curious to know why Senators care to speak 10 or 15 minutes. What is the object of speaking? Is it merely to get a personal expression of opinion in the Record, or to influence the action of the Senate?

Mr. BORAH. Certainly not the latter.

Mr. STONE. Then, if it is the former, if it be possible, I should like some sort of leave to print and put it in the Record, so that we can get to a vote. It is absolutely nothing but a waste of time—we all know that—for Senators to get up here and consume 10 and 12 minutes in a speech that goes into the Record explaining why they are for or against this thing or the other. The best way of expressing their opinion is by a yea-and-nay vote.

The PRESIDENT pro tempore. The Chair will remind Senators that a request for unanimous consent is not debatable.

Mr. STONE. I am aware of that; but the Chair had permitted it.

The PRESIDENT pro tempore. The Chair had not. The Senator is mistaken about that. The Chair permitted suggestions about modifications of it.

Mr. STONE. I am through, however.

Mr. NEWLANDS. Mr. President—

The PRESIDENT pro tempore. In what form does the Senator submit his request for unanimous consent? How does he modify it—by inserting 10 minutes instead of 30, or 15 minutes?

Mr. NEWLANDS. Fifteen minutes after 12 o'clock.

The PRESIDENT pro tempore. All right.

Mr. WILLIAMS. What is the request? I ask to have it stated.

The PRESIDENT pro tempore. It will be read.

Mr. NEWLANDS. It is that we commence voting at 4 o'clock instead of 3. Is it agreeable to the Senator that debate shall end at 4 o'clock—that there shall be no further debate after that time?

Mr. GALLINGER. Oh, yes.

Mr. LA FOLLETTE. Mr. President, I understood that there would be five minutes' debate upon amendments after 4 o'clock or after 3 o'clock, whatever time is fixed.

Mr. GALLINGER. Certainly.

Mr. WILLIAMS. I ask that the request may be read.

The PRESIDENT pro tempore. The Chair will say to the Senator from Mississippi that as soon as the Senator from Nevada determines the text of the request it will be stated to the Senate.

Mr. NEWLANDS. I am trying to reach an understanding, and there are different views, of course, and I want to satisfy everybody. It is proposed, therefore, that we shall take a recess until to-morrow at 10 o'clock—

The PRESIDENT pro tempore. We will have to dispose of this matter before we can dispose of that.

Mr. NEWLANDS. That from 12 o'clock on the speeches shall be limited to 15 minutes upon the bill and 5 minutes upon the amendments, and that no Senator shall speak more than once, either upon the bill or upon the amendments.

The PRESIDENT pro tempore. At what hour will that limitation become effective?

Mr. NEWLANDS. And that at 4 o'clock we shall proceed to vote, without debate except upon amendments, and that debate upon amendments be limited to five minutes.

The PRESIDENT pro tempore. The Secretary will state the request.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 4 o'clock p. m. on Saturday, September 2, 1916, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 17700) to establish an eight-hour day for employees, and so forth, through the regular parliamentary stages to its final disposition, the vote upon the final passage of the bill to be taken not later than 6 o'clock p. m. on the said day, and further that after the hour of 12 o'clock noon on said day no Senator shall speak more than once nor longer than 15 minutes upon the bill nor more than once nor longer than 5 minutes upon any amendment offered thereto.

Mr. LA FOLLETTE. Mr. President—

Mr. WILLIAMS. Mr. President, I suggest to the Senator from Nevada that he put in the word "calendar" just prior to the word "day," for fear of some misconstruction as to the meaning of the word.

The PRESIDENT pro tempore. That amendment will be made. Is there objection to the request in its present form?

Mr. McCUMBER. Mr. President, as the Secretary read the proposition there was no reference to 4 o'clock.

The PRESIDENT pro tempore. Yes; there was.

Mr. McCUMBER. I should like to hear that part of the proposed agreement read.

The PRESIDENT pro tempore. The Secretary will read the proposed agreement again.

The SECRETARY. The Senator from Nevada asks unanimous consent that at not later than 4 o'clock p. m. on the calendar day of Saturday, September 2, 1916, the Senate will proceed to vote, and so forth.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. BRANDEGEE. Mr. President—

Mr. LA FOLLETTE. Mr. President, if I understand that request, under it a Senator might get the floor at 10 o'clock and hold it until 12, using two hours of the time.

The PRESIDENT pro tempore. Yes.

Mr. LA FOLLETTE. Thereafter no Senator would have an opportunity to speak more than once upon the bill, and then not longer than for 15 minutes.

The PRESIDENT pro tempore. That is true.

Mr. LA FOLLETTE. If that is the form of the request, I object to it.

Mr. NEWLANDS. Will the Senator suggest a modification of it that will be satisfactory to him?

Mr. WILLIAMS. Yes; to put it in operation right now, instead of at 12 o'clock.

Mr. NEWLANDS. I was addressing myself to the Senator from Wisconsin.

The PRESIDENT pro tempore. If the Senator from Wisconsin will suggest some modification that would please him, that will dispose of the matter.

Mr. BRANDEGEE. I was going to call attention to the same thing the Senator from Wisconsin has suggested, and I was going to ask the Senator from Nevada if he would have any objection to making the 15-minute rule apply at the opening of the session to-morrow.

Mr. NEWLANDS. None whatever.

Mr. BRANDEGEE. Then, it will be fair to everybody.

Mr. SMITH of South Carolina. That is right.

Mr. NEWLANDS. Would that be satisfactory to the Senator from Wisconsin?

Mr. LA FOLLETTE. Mr. President, I perhaps might be the one most likely to transgress and consume the two hours' time if I succeeded in getting the floor.

The PRESIDENT pro tempore. The modification now proposed by the Senator makes the limitation operative at 10 o'clock.

Mr. LA FOLLETTE. I suggest that the first two hours be split up into 30-minute speeches.

Mr. PENROSE. That is all right.

Mr. NEWLANDS. That is entirely satisfactory.

Mr. SHERMAN. Mr. President, I shall make no objection to fixing a time for a vote; but I wish to say for myself that Congress is creating a precedent that will return to plague it unto the utmost generation.

The PRESIDENT pro tempore. We are now considering a request for unanimous consent, and the Chair has called the attention of some Senators to the fact that it is not debatable.

Mr. SHERMAN. I shall not intervene to delay the consideration of this bill under the restrictions named, nor to take a roll call in accordance with the order to be entered, as I understand, by unanimous consent; but never in the history of Congress or of this country has a matter of this importance, creating a legislative precedent that will turn Congress into an arbitration board for all time, been disposed of with so little consideration for the interests of the entire country. Congress is put in a craven attitude—an attitude of being incompetent to represent the American people.

The PRESIDENT pro tempore. The Chair feels compelled to call the Senator's attention to the fact that a request for unanimous consent is not debatable.

Mr. HUGHES. The Senator does not object, as I understand.

Mr. SHERMAN. I want to have inserted in the CONGRESSIONAL RECORD what I have said. With that I am content. The rest of the time I will get in under the five-minute rule. If I can not say enough in 5 minutes, it will not be my fault, and in 15 minutes I can improve on it considerably.

Mr. BRANDEGEE. Mr. President, does not the roll have to be called before the agreement is made?

The PRESIDENT pro tempore. Unquestionably, whenever we agree on the text of the proposed unanimous-consent agreement.

Mr. LANE. Mr. President, I think any Senator is capable of saying all that we want to hear in 10 minutes. I suggest

that the limitation be 10 minutes, and I shall object to a longer time.

The PRESIDENT pro tempore. That has been objected to. Fifteen minutes has been objected to.

Mr. LANE. I withdraw my objection, then.

Mr. NEWLANDS. Mr. President, I should like to have the Secretary state the proposed unanimous-consent agreement so that it can be clearly understood.

Mr. GALLINGER and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair will not recognize any Senator until he can do so understandingly. The Senator from Nevada has the floor.

Mr. NEWLANDS. Do I understand that we have reached an agreement in regard to the matter?

Mr. GALLINGER. I would suggest to the Senator from Nevada that under the rule the roll must be called.

Mr. NEWLANDS. Yes.

Mr. GALLINGER. During the calling of the roll I think the Senator from Nevada can adjust the differences, and unanimous consent will then be given.

The PRESIDENT pro tempore. Nothing can be done during the roll call. Let us agree on the text before it is submitted to the Senate on a roll call. If there is objection, it is useless to call the roll.

Mr. PENROSE. Let the roll be called.

The PRESIDENT pro tempore. Is there objection to the request in its present form? The Chair hears none. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Nelson	Smith, Ga.
Bankhead	Gronna	Newlands	Smith, Md.
Beckham	Hitchcock	Overman	Smith, S. C.
Borah	Hughes	Owen	Smoot
Brady	Husting	Page	Sterling
Brandegee	Jones	Penrose	Stone
Bryan	Kenyon	Phelan	Swanson
Chamberlain	Kern	Pittman	Taggart
Chilton	La Follette	Pomerene	Thomas
Clapp	Lane	Ransdell	Thompson
Clarke, Ark.	Lea, Tenn.	Reed	Underwood
Cummins	Lee, Md.	Shafroth	Vardaman
Curtis	Lewis	Sheppard	Wadsworth
Dillingham	McCumber	Sherman	Walsh
du Pont	Martin, Va.	Shields	Warren
Fletcher	Myers	Simmons	Williams

Mr. POMERENE. I was requested to announce the unavoidable absence on account of illness of the Senator from Delaware [Mr. SAULSBURY].

Mr. HUGHES. I wish to announce that the Senator from Kentucky [Mr. JAMES] is unavoidably absent on important business.

Mr. SHEPPARD. I desire to announce the unavoidable absence of my colleague, the senior Senator from Texas [Mr. CULBERSON].

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present. The unanimous-consent agreement will stand, a quorum being disclosed.

#### RECESS.

Mr. NEWLANDS. I move that the Senate take a recess until 10 o'clock to-morrow morning.

The motion was agreed to; and (at 11 o'clock p. m.) the Senate took a recess until to-morrow, Saturday, September 2, 1916, at 10 o'clock a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate September 1, 1916.*

##### FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Alexander T. Vogelsang, of San Francisco, Cal., to be First Assistant Secretary of the Department of the Interior, vice Andrieus A. Jones, resigned.

##### COLLECTOR OF CUSTOMS.

George P. Woollen, of Dyersburg, Tenn., to be collector of customs for customs collection district No. 43, in place of Charles B. Quinn, whose term of office will expire by limitation September 8, 1916.

##### APPOINTMENT IN THE ARMY.

##### QUARTERMASTER CORPS.

Charles P. Daly, chief clerk, office of the Quartermaster Corps, United States Army, to be military storekeeper in the Quartermaster Corps, with the rank of captain from August 29, 1916.

##### REGISTER OF LAND OFFICE.

James Walter Mee, of Centerville, S. Dak., to be register of the land office at Rapid City, S. Dak., vice Orin M. Lane, resigned.



# CONFIRMATIONS.

*Executive nominations confirmed by the Senate September 1, 1916.*

## FIRST ASSISTANT SECRETARY OF THE INTERIOR.

Alexander T. Vogelsang to be First Assistant Secretary of the Interior.

## FIRST ASSISTANT POSTMASTER GENERAL.

John C. Koons to be First Assistant Postmaster General.

## RECEIVERS OF PUBLIC MONEYS.

William O'Leary to be receiver of public moneys at Minot, N. Dak.

James J. O'Keane to be receiver of public moneys at Vancouver, Wash.

## PROMOTIONS IN THE NAVY.

Rear Admiral William S. Benson, Chief of Naval Operations with rank of rear admiral, to have the rank of admiral.

First Lieut. George W. Van Hoose to be a first lieutenant in the Marine Corps.

First Lieut. Arthur J. White to be a first lieutenant in the Marine Corps.

## UNITED STATES CONSULS.

### CLASS 6.

William F. Doty to be a consul of class 6.

### CLASS 7.

Charles M. Hathaway, jr., to be a consul of class 7.

### CLASS 8.

Edwin Carl Kemp to be a consul of class 8.

### CLASS 9.

Addison E. Southard to be a consul of class 9.

## POSTMASTERS.

### LOUISIANA.

Hazel L. Switzer, Longville.

Clara L. Wells, Colfax.

Ewell West, Bunkie.

### MASSACHUSETTS.

Michael H. Lyons, Indian Orchard.

### MICHIGAN.

John F. McEvoy, Onaway.

### MISSISSIPPI.

Ollie R. Freeman, Picayune.

Nellie Lide, Lumberton.

### MONTANA.

Frank P. Byrne, Three Forks.

Willard P. Willis, Plains.

### NEW MEXICO.

William C. Brannin, Raton.

### TEXAS.

John M. Hill, Cooledge.

Mrs. A. M. Miller, Baird.

Jennie Reynolds, Mason.

W. M. Stanberry, Midlothian.

### WEST VIRGINIA.

Jessie E. Lavelle, Tunnelton.

# HOUSE OF REPRESENTATIVES.

*FRIDAY, September 1, 1916.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord our God, and our Father, whose providence has ever been round about us to strengthen, inspire and guide us as a people, continue, we beseech Thee, to assert Thyself in all our future. Help us as individuals to crucify the selfishness within us and the evils that follow in its wake, that we may learn the art of doing unto others as we would be done by, that the desires of Thy heart may be fulfilled in us and peace, joy, and happiness be ours. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

## THE SUPREME COURT.

Mr. WEBB. Mr. Speaker, I ask that House bill 15158 with Senate amendments be taken from the Speaker's table.

The SPEAKER. The Chair lays before the House the bill H. R. 15158 with Senate amendments, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 15158) to amend the Judicial Code; to fix the time when the annual term of the Supreme Court shall commence; and further to define the jurisdiction of that court.

Mr. WEBB. Mr. Speaker, I move to concur in the Senate amendments.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

## IMMIGRATION STATION AT BALTIMORE, MD.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to call up House bill 6034, Union Calendar No. 333, appertaining to the immigration station at Baltimore.

The SPEAKER. What is the status of it?

Mr. LINTHICUM. It is on the Union Calendar.

The SPEAKER. Is it just a House bill?

Mr. LINTHICUM. Yes; it is just a House bill.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent for the present consideration of the bill H. R. 6034, which the Clerk will report by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6034) to make available a portion of the appropriation for the immigration station at Baltimore, Md., for such counters, booths, screens, railings, seats, bunks, kitchen and laundry equipment, etc., as necessary in connection with said station.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, is this bill to take any considerable time?

Mr. LINTHICUM. No; it will not.

Mr. MANN. I want a few minutes upon it.

Mr. GARRETT. The gentleman ought not to take up time with it.

Mr. LINTHICUM. If the gentleman will hear me—

Mr. GARRETT. I have no objection to the bill. The only inquiry I made was whether it would take time.

The SPEAKER. How long will this bill take?

Mr. LINTHICUM. I do not think it will take five minutes.

Mr. MANN. I think, Mr. Speaker, it would be wiser to have the bill go over until later in the day.

The SPEAKER. The only ground on which the Chair let the gentleman in was that it would not take up much time.

Mr. MANN. Any time used on it now is time lost irretrievably. The gentleman can follow it up later in the day.

Mr. KITCHIN. I suggest to the gentleman to let it go over.

Mr. LINTHICUM. Very well, Mr. Speaker; I withdraw it for the time being.

## EIGHT-HOUR DAY.

Mr. KITCHIN. Mr. Speaker, if the gentleman from Illinois will give me his attention, I want to see if we can take up the bill (H. R. 17700) to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, by unanimous consent and make an agreement as to time.

Mr. MANN. I think any time used in discussing it now would be so much time wasted.

Mr. KITCHIN. The gentleman has no objection to taking it up now?

Mr. MANN. I do not think we can make any agreement about taking it up.

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that this bill may be in order now.

The SPEAKER. Is the gentleman making a request?

Mr. KITCHIN. Yes; asking unanimous consent for the immediate consideration of House bill 17700.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the immediate consideration of House bill 17700, the eight-hour bill. Is there objection?

Mr. MANN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Illinois objects.